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JOHN HENDREE'S

PROOFS

AGAINST THE MANY FALSEHOODS

PROPAGATED BY ONE

ABEL P. UPSHUR:

TOGETHER WITH AN EXPOSURE OF THE MAN, AND HIS PAMPHLET, ENTITLED

"*A. P. Upshur of Richmond, to the Citizens of Philadelphia.*"

Verily, before concluding of this, shall he say;

He hath stripped me of my Glory, and taken the Crown *from* my head;
He hath destroyed me on every side, and I am gone: and mine hope hath he removed like a tree."

JOB, CHAP. XIX, V. 9 and 10.

RICHMOND, Va.
Printed by Shepherd & Pollard.

October, 1822.

E RBR
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TO THE PUBLIC.

However unworthy of notice the unsupported assertions of an individual may be, when by trick and cunning he has clothed himself with the appearance of truth, in support of calumnies calculated to subvert the best feelings of friendship, it becomes the imperious duty of that man, against whom they are levelled, to meet them fairly, and exculpate himself fully.

Conceiving every man amenable for his conduct, at least to that community in which he lives, I shall not confine this publication to the "*Citizens*" of any particular section of the union, but address it to those *only* who are free from servile pliancy, and who decide, after deliberate enquiry has produced conscientious conviction, and in the true spirit of christian charity deem every man innocent until proved the reverse; but while I entertain a respectful regard for the opinions of the people of my native state, particularly that portion among whom I spent my early life, and am alive to every attachment interwoven in youth, I hold in high estimation the good opinion of the Philadelphia public, and for those of that city who were my teachers, my friends and my associates, I feel sentiments of veneration, and cherish feelings of as sincere regard as the causes which gave rise and the sources from whence they spring were pure and uncontaminated. I hope in the course of this examination of A. P. Upshur's pamphlet, addressed to the "*Citizens of Philadelphia*," not only so effectually to repel the calumnies, as even to silence malice, but to shew that his joy at the production, with which he is so much elated, is but of a fleeting nature, and like a sun-beam unexpectedly penetrating betwixt the clouds of a tempest, obscured almost as soon as visible. I regret, that my defence cannot be complete without criminating those who have assailed me, by introducing such proofs as will place the fact of their guilt beyond the power of the most ingenious argument to change, or the most brilliant sophistry to give another colouring; but

in humanity I shall avoid animadverting on or proving more than what is essential to self-defence. That far I will go, however deep the wound may be that is inflicted, and though that moment on which it is given to the world should be my last. It is my misfortune to be under the necessity of arraigning an individual whose soul does not shrink from any act, however servile and degrading, and to effect his purpose associates himself with the mearest wrecks of the human family, and willingly lays prostrate every feeling and principle which adorns the character of civilized man. There are acts, of which individuals are guilty when permitted to have intercourse with respectable society, for which there is no language that can with propriety be used to convey an adequate idea; but, while I am free to admit the obligation of an injured man to meet with cool and manly firmness the vilest artifices, and the most malignant aspersions calculated to rob him of the only treasure on which he depends for his future well-being in society "*his good name*," and however much, him to whom I allude may have descended, nothing from me shall stain these pages unworthy of my pretensions to a respectable descent, or the standing I claim in society.

"Nor will I thee detain
"With poet's fiction, nor oppress thine ear
"With circumstance, and long exordiums here."

But I shall make a plain and artless defence supported by such proofs as shall lead to conviction. I neither invoke sympathy, nor do I wish to excite the stern and angry feelings of passion. All I desire in appealing to the high and controling authority of public opinion, is to satisfy reason and judgment, and will abide the maxim that "truth is, all powerful and must prevail."

JOHN HENDREE.

" Nothing ought to be said against him, of which there are no " proofs; the discovery of a single error of this kind, among the " most notorious truths, would tarnish their lustre."

In the course of this shewing, I shall enter into a minute detail of proofs and explanation, in consequence of intending it to reach those who are ignorant of the facts of some, and the course necessary to be pursued in others. And for calling to notice any of the charges preferred against me, by A. P. Upshur, (as stated by Mr. Campbell,) and which appeared in my former pamphlet, no apology will be offered, as I shall, before concluding, shew good reasons for so doing. Among the most prominent *charges* stated by Mr. Campbell in his letter to me, of the 22nd September, 1821, as coming from A. P. Upshur, were those of my being married in Richmond, and my wife still living somewhere abroad; the secret, though not acknowledged partnership between my brother and myself, our producing accounts and verifying them by the oath of one or the other, for purposes not creditable to either: these with others of a minor character, were met and rebutted by the most respectable testimony Virginia could produce; and A. P. Upshur, not only admits in his pamphlet that the charges are false, but denies the right of Mr. Campbell to have made them, page 10. (With a mere reference to the contents of his *letters* to Mr. Campbell,) he says " It will be perceived *in how many important* particulars, Mr. Campbell. *has misapprehended me,*" (he then names the above charges,) and says " none of which are authorised by my *letter,*" (that is, his letter of the 19th September, 1821 :) First he speaks of *letters,* and then of a *letter;* this is *proper to be recollected,* for I defy him to say in plain and emphatical terms, and without *any* evasion whatever, and that through the press, that Mr. Campbell was not authorised by any verbal or written *communication* to say what he did. No, at his peril, he would not suffer such a declaration to reach the ear of Mr. Campbell. Having disproved those charges, I do not despair of the same success with all the others, which by some new-fangled notion, this mass of human corruption has gathered together to prevent his decay. He labored very hard (after my publication and before his own appeared,) to induce some to believe Mr. Campbell had not only stated a falsehood, but that he never had *voluntarily* stated one word to my injury, and that all he had said of me was relative to my failure, and he " had never met me in any of the society in which he had mixed," and this, said he, " was *extorted* from me by the importunities of

Mr. Stout;" (for the confirmation of these facts, if denied, I pledge myself to prove by some of those whom he calls his best friends, if they will be put on oath:) consequently, his own shewing by his letters and his statement is at direct variance. I will now for a moment suppose, that Mr. Campbell in his letter has improperly surrendered Upshur as his authority, and enquire what is the course of conduct pursued by this *high-minded* "*knight-errant*;"* alias A. P. Upshur, towards the man who had taken such liberties with his name and character.

"Conscious guilt renders us
"Mean-spirited, timorous and base."

The following appears to be the first letter from A. P. Upshur to Mr. Campbell, after the publication of my pamphlet; it is without date, but I have ascertained the time it was written, from the fact of the contents which he appears that "*moment*" to have received, which bear date the 4th, 5th and 6th April, immediately after my pamphlet appeared, (see Upshur's pamphlet, pages 14 and 15.)

Dear Sir,

The above is the original of a note this moment received from Mr. Ritchie, to whom Mr. Stout's letter was shewn.

I also send you copies of letters addressed to me by Mr. R. Doctor Foushee, Doctor Cabell and Major Gibbon.

The Doctor is threatened with a good basting by his friends the journeymen printers. He is sunk to an inconceivable depth of ridicule and contempt.†

With best wishes,
I am, yours, &c.
A. P. UPSHUR.

George Campbell, Esq. Philadelphia.

There is a letter to Mr. Campbell, who has just brought its author forward, (agreeably to his, Upshur's, own shewing) as

* A. P. Upshur in his letter to Mr. Campbell of the 19th of September, 1821, (see his pamphlet, page 4,) after assigning his reasons for having said of me what was never known, nor heard of by any other, concludes the passage by thus comparing himself; "and I felt probably too much like a *knight-errant*, in wishing "to undeceive and save her from ruin and misery."

† Does he mean to confirm the truth of his assertion by telling of his own fate in being turned out of the common hall, on the 10th

the "scape goat" to bear away the sins of the people, "and in place of venturing to utter one" "manly remonstrance," the first words are "dear sir," then sends for his perusal letters of condolence from some of his friends (which he has since published) and concludes "with best wishes, I am yours &c." How truly contemptible must that creature be who can thus write to the man who has charged him, (and as he says unjustly,) with an act strongly "calculated to affect a *man* of *honor* in the tenderest point," and remains content with giving to the public on the weak authority of his own mere *ipse dixit*, that "his correspondence with me sufficiently explains his mistake." If such were the case, it is but a pitiful way of making him atone for the injury, (if unjustly inflicted). On

of April, of which he had been a member, for several successive years? That the circumstances detailed in my pamphlet, were the cause, I will not pretend to say. But, if he were guilty of other acts sufficient to forfeit his claim to confidence, it is the more deeply to be regretted, he cannot have allusion to the reception he met with in Norfolk as that occured after his letter was written.

This "knight-errant" alias Abel P. Upshur, must be a dangerous fellow. He is for "basting" me with "journeymen printers;" he is for "drubbing" me with "three *gentlemen* in the street," and he is for having me "every where greeted with a general burst of disgust and indignation." To peruse the letters he wrote to his friends in Philadelphia, immediately after the publication of my pamphlet, (the copies and extracts of which are in my possession,) one would suppose, agreeable to *his* account, that scarce had the pamphlet issued from the press, ere I was thumped into a mere jelly; for he is not content with pulverising me, by means of his three friends, *gentlemen* as he calls them, but he has in one passage of a letter almost mounted the whole State of Virginia, people and all, on my back at the same time. How is it in all this "thumping," "basting" and "drubbing," we have nothing of this "knight-errant's" own feats? No, no; he is kept in reserve for more *courageous* purposes, that of pamphleteering, and like "Billy Cock, sitting on Billy Cock's hill" to see how the wind blows. And like the owl, to conceal his shame, waits the approach of darkness, then walks abroad ruminating on the causes which make the light of day offensive to his sight, and the society of honest men obnoxious to his feelings. But in all this commotion among the citizens of Virginia, spoken of by the "knight-errant," I have not found any who exercise the right of thinking for themselves, in arms against me, nor heard of one rude expression towards me; and I still remain with sound skin and whole bones, and hope so to continue; for, that Abel P. Upshur will make it the

this subject, I shall have occasion to speak in another page, and shew what Mr. Campbell says in the month of May, 1822, (30 days after the appearance of my pamphlet,) and it will then be seen that it is as easy to compromise the honour of A. P. Upshur, (particularly when the reverse would bring his precious person to answer,) as it was for him (with *his pen only*,) to threaten the Doctor, "with a good basting" by his friends the "journeymen printers," and that his feelings are like his conscience, so seared that they are no longer sensible of rebuke or insult. Shew me the man who would thus disgrace himself by evincing so dastardly a spirit, and he is A. P. Upshur's counterpart in cowardice at least. The note

reverse, is in my opinion very much to be questioned, believing him, as I do, to be a harmless insect. Among other of his communications to Mr. Campbell, I am in possession of a very long extract from one of his letters, written in the early part of April, on the subject of my pamphlet: he denies "the charge of timidity,"* and he justifies *timidity*, by giving it as the opinion of his friends who, he says, "considered that it would be an imputation upon "my *courage* and a derogation from my character in other respects "to attack him." What a cool deliberate thinking "knight-errant" who consults his friends as to the propriety of fighting or not! By the bye, there is no doubt something exceedingly agreeable and convenient in that sort of "courage."

In the same letter, when exulting in the most vaunting manner of an assault, attempted on me in the street, by three of his creatures, he says "on the second, he drew his pistol, but said noth-"ing; shortly afterwards, he was met by a third *gentleman*, who "rebuked him with every expression of contempt and indignation, "but he replied not;"† three fellows employed by him, headed by one P. P. Mayo, did purpose an attack on me, and made a *faint* attempt, and if my memory serves me right, poor P. P. Mayo in complexion, and trembling with fear, looked more like an aspin leaf on a frosty morning, when exposed to a keen north wester, than the bully of a "knight-errant." Whether my conduct wanted firmness, and whether I "replied not," the public I believe on that subject, are sufficiently informed. Those who are not, and desire to be, I refer to Mr. James Shiphard and Col. Tankersley, gentlemen of undoubted integrity, who were present at the occurrence.

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*I charged him with *cowardice*.

† At the time of the occurrence, he declared it was done without his approbation, and that he would not countenance their conduct; his written declarations and his verbal ones, do not always harmonise, but that is quite characteristic of the individual.

alluded to by A. P. Upshur in the foregoing letter as being that moment received from Mr. Ritchie, was a communication from that gentleman, requesting that he (Upshur) would write to Mr. Campbell, to send on the proof sheets which Mr. Stout had spoken of as having been received in Philadelphia with endorsements. As this to the reader may be a mystery, I will in as few words as possible give some explanation. During the period that my pamphlet was printing, and before it had been made public or indeed completed (for Mr. Campbell in his letter to A. P. Upshur, dated Philadelphia, 1st April, acknowledges having received the proof sheets some days before, and my pamphlet was not circulated for several days after,) on the back of some of the proof sheets which were forwarded to Philadelphia, it seems much matter was endorsed of an offensive nature to Mr. Campbell, (they are not in my possession or I would make mention of what it was,) and purporting to be from a "journeyman printer." The sheets which were first struck off were intended to go to no others than Mr. Ritchie and myself for correction, and Mr. Ritchie having no interest in it further than to execute the duties of his department, it could not be with reason or probability attributed to him; so it rested on me, and that very unjustly: but as circumstances have turned out, it is not a matter of great moment either way, nor do I mean to make a mountain of a mole hill: so will publish the affidavit of Mr. Monroe, whom I met in Baltimore on my return from the North, which will shew the fact by whom the endorsements were made, and the proof sheets forwarded:

United States of America,

State of Maryland, to wit:

I, John Gill, Notary Public, by letters patent under the great seal of the State of Maryland, commissioned and duly qualified, residing in the city of Baltimore, in the state aforesaid, do hereby certify, attest, and make known, that on the day of the date hereof, personally appeared Otis Monroe, and made oath on the Holy Evangelists of Almighty God, that he worked as a journeyman printer in the office of Messrs. Shepherd and Pollard, Richmond, Virginia, when and where Doctor Hendree's pamphlet, entitled "A refutation of calumnies propagated by Abel P. Upshur of Richmond, by John Hendree," was printed, and this deponent states that one morning previous to the time on which the printing of the pamphlet was completed, a young man, (who afterwards proved to be Mr. Potter, that lived with Mr. Upshur) came into the office and enquired, if Doctor Hendree's pamphlet was printing in

that office: this deponent desired to know who he was, when Mr. Potter induced this deponent to believe he was the friend of Doctor Hendree, and wanted to direct them to be prepared to send out as early as possible, and he told this deponent that he would take a few of such of the sheets as were struck off for the purpose of sending them to his friends, which this deponent permitted him to do, and this deponent never knew to the contrary that the said Potter was not the friend of Doctor Hendree, until he heard of. and went out to see the rencounter which took place between Hendree and Potter; and this deponent further made oath that this information was never given to Doctor Hendree until yesterday, when he accidentally met Doctor Hendree and made the communication, of which an act having been of me requested, I have granted these presents to serve and avail as need and occasion may require.

Signed,

"OTIS MONROE."

In testimony whereof, the said deponent hath hereto subscribed his name, and I the said Notary have hereunto set my hand and affixed my Notarial seal, this twenty-ninth day of May, one thousand eight hundred and twenty two.

JOHN GILL, *Not. Pub.*

I am personally acquainted with Mr. Otis Monroe, from his having worked in my office, and who has deposed as appears before John Gill, Notary Public, and signed the annexed deposition, and his signature he has acknowledged before me.

JOHN D. TOY.

Baltimore, May 29th, 1822.

Although no doubt, I had seen Mr. Monroe in the office, I did not recognise him on our meeting in Baltimore, and in consequence of his being a stranger, both to the Notary and myself, I called on Mr. Toy (who is the editor of a paper, I believe) to state the foregoing fact. Those who know the particulars of the endorsement on the proof sheets, will now be convinced how it occurred: although the publication of my pamphlet was so "secretly conducted," it was known to one of the household of the only individual who had to fear it, and he got possession of some of the sheets, before it was made public. I will, with a view of getting an answer, (supposing

A. P. Upshur to be an honest man, and candid lawyer.) enquire to what class of acts in the criminal code, he would place that mentioned in Mr. Monroe's deposition.

Previous to entering on an enquiry, as to the truth of the charges contained in A. P. Upshur's letter of the 19th September, 1821, to Mr. George Campbell of Philadelphia, I request the reader will refer to his pamphlet, page 4, for the entire perusal of it,* in which he'll find,

"In all things nature tends
" a will most rank,
"Foul disproportion, thought unnatural."

That communication, of which the following is an extract, evinces a vile and most malignant heart, and proves him (if what he says be true) treacherous to private confidence, and a vilifier of the guardians of public security. He concludes his long epistle thus: "I have, in this letter, confined myself to "those matters, which I mentioned in Philadelphia. My en- "quiries this morning, however, have furnished abundant ma- "terials for a much longer story, but as I feel no disposition "to injure the miserable man, so long as he is not offending, "I content myself with re-asserting what I stated in Phila- "delphia. I should be gratified to know that you received "this letter: very respectfully, &c. A. P. Upshur." By this act his character is made manifest: it is a stamp upon his brow, which shall strike all who gaze on, with unutterable horror, and the good shall avoid him, as they would the horned monster, and his compatriots will shun him, as one whose foot is cloven, and whose hands are garnished with talons: to write thus

"and not mean harm
"It is hypocricy against the Devil."

"Caught by your own delusive art,
"You fancy first, and then assert."

In the 49th page of A. P. Upshur's pamphlet, after denying the truth of the statement made in the 8th page of my pamphlet relative to the conversation between him and myself on the 4th of February, he says, "however, it will be *enough* for "*me* to say, that the whole statement is a naked invention, and "contains not one circumstance even resembling the truth.

* Although it is not a true copy from the original, as appears by the copy in my possession, sworn to by Mr. Campbell, the omissions and alterations are, like its author, almost too contemptible to speak of.

"*He never shewed* me *Mr. Campbell's letter* at *all;* and most "certainly, if he had done so, he never would have ventured "to assume the department, nor to hold the language to which "he lays claim. The hostile attitude to which he makes pre- "tension, the public may be assured, is a most ridiculous bra- "vado; for he *never* has on *any occasion*, except in the publi- "cation of a libel, displayed towards me, the smallest resent- "ment, nor ventured even to utter one manly remonstrance." How the creature is infatuated with the hope that his delusion will not be detected? I pledge myself before I finish this *one* subject to convince his best friends that something more than *his* authority will hereafter be required to entitle any report to the *least* credit. My letter to A. P. Upshur of the 11th February, 1822, and Mr. Murphy's certificate, both of which follow in my pamphlet, page 9, the passage alluded to by A. P. Upshur in his, and from which the above is an extract, I must here insert.

Mr. Abel P. Upshur,

Sir,—My friend Mr. Murphy, (who will hand you this,) is perfectly acquainted, (as well as yourself,) with the contents of Mr. George Campbell's letter to me, in relation to assertions stated by him, to have been made by you, injurious to me. I now call on you, to say whether Mr. Campbell has asserted the truth or otherwise.

Yours, &c.

JNO: HENDREE.

Richmond, February 11*th*, 1822.

I delivered the above letter to Mr. Upshur, on the morning of the 11th instant, who, after perusing it, and speaking of the contents of Mr. Campbell's letter, returned it to me, desiring that I would return the same to Doctor Hendree; that he had no idea of answering an imperative demand of this kind, and declined receiving any further communication from Doctor Hendree, through the medium of a friend.

PETER MURPHY.

Monday the 11*th February*, 1822.

How is it possible he could speak with Mr. Murphy of the contents of Mr. Campbell's letter, if he had never seen it? How did he know my demand was of an imperative nature?

Why decline receiving my communications? He could not have known what the purport of them would be, if he had never seen the letter: but it may be said, Mr. Murphy is mistaken as to the conversation. That might possibly be, but it will be admitted he delivered my letter, and if that be true, and Upshur had never seen Mr. Campbell's letter, what should, nay what would, and what must have been the first and most natural enquiry made of Mr. Murphy? It is clearly pointed out. "To what does Doct. Hendree allude by Mr. Campbell's letter—what does he mean? I know nothing of such a letter—let me see it." It may be said, if Mr. Murphy was mistaken in the conversation, he might also be mistaken in the delivery of the letter; that I will admit to be fair reasoning; but I now pledge myself to introduce A. P. Upshur's own declaration, extracted from a letter of his, acknowledging the identical fact stated by Mr. Murphy. Will it then be said, if he could tell a falsehood to his advantage, he might do the same to his own disadvantage? Although such is the fact, it is not fair reasoning to suppose he would designedly speak to his own criminality. "A little while and I will be with you." So perfectly aware was he of the only course left me (after the result of my application on the 11th February,) to be, that of arraigning him before the public, that he manifested the greatest agitation on the occasion, and made application at the printing offices, both in person and by proxy, several times to know, if I had left a manuscript for publication relating to him, and if I had, would he be permitted to see it before it went to press? The following gentlemen who declare to the facts stated by the notary, are concerned in the editorial department of the only two daily papers published in this city, and feeling as every honourable mind would feel, some delicacy in stating any fact, which would tend to criminate an individual, I was compelled to resort to the following alternative which is, in point of fact, as effectual as if voluntarily done.

"This day William Ramsay, Esq. Editor of the "Richmond Daily Mercantile Advertiser," appeared before me Herbert A. Claiborne, a Notary Public for the city of Richmond, duly commissioned, and made the subjoined answer to the question propounded to him by Doctor John Hendree.

"Question by Doctor John Hendree. Be pleased to say whether Abel P. Upshur did or did not in the month of February last, or some time previous to the publication of my pamphlet entitled "Refutation of calumnies propagated by A.

P. Upshur of Richmond, by John Hendree," call twice at your office and enquire of you whether a publication respecting him had been left with you by me, to be printed? Answer. He did.

In testimony whereof, I have hereunto set my hand and affixed my Notarial seal of office, at my office in the city of Richmond, this sixteenth day of July, eighteen hundred and twenty two.

[Seal.]

"HERBERT A. CLAIBORNE, *Not. Pub.*"

"This day personally appeared before me, Herbert A. Claiborne, a Notary Public for the city of Richmond, duly appointed and commissioned, Daniel Trueheart, Esq. one of the firm of Trueheart, Cary & Co. Editors of the "Richmond Commercial Compiler," who made the subjoined answer to the question propounded to him by Doctor John Hendree.

"Question by Doctor Hendree. Be pleased to say, whether or not in the month of February last, or certainly some time before the publication of my pamphlet, entitled "A refutation of calumnies propagated by Abel P. Upshur of Richmond, by John Hendree," A. P. Upshur did call on you personally at your office, and enquire of you whether I intended to make a publication relative to him. Answer. Yes, he did.

"Given from under my hand at my office in the city of Richmond, this eighth day of August, eighteen hundred and twenty two.

"HERBERT A. CLAIBORNE, *Not. Pub.*"

"Confirmation strong as proofs of holy writ."

It was in the month of February, the above enquiries were made, to my certain knowledge, having been led myself at the time to ascertain the fact from having heard of assertions made by his runners, many of which I could, if necessary, introduce in corroboration; but when it occurs with the individual himself, it places the fact beyond the possibility of a question. I have therefore thought proper to confine my proofs to them and them only. What circumstance on earth could lead him to make such an enquiry, if nothing "like a demand" had been made? For what could he suppose I intended to publish him? And if a demand was made, on what authority did I make it? Have I brought any other than Mr. Campbell forward as my authority? It is sufficient for me to say he received Mr. Campbell's letter from my own hand, and in my presence did he peruse it; but he throws off the "knight-errant," and like Daggerwood

"I can lie, if I won't fight,"—says he.

Further proofs are unnecessary to convince any but a zealot: but as it may be said, those gentlemen are mistaken, and as such is possible but not probable, and being disposed to accommodate, I will for a moment admit what no other man in the community will, that they are mistaken, and then enquire into the correspondence between him and my brother.

Without my knowledge or consent, but not conceiving the least impropriety in it, my brother was allowed in the month of February the perusal of Mr. Campbell's letter to me of the 22d September, 1821, the endorsement on the back of which implicated him. He forthwith called on A. P. Upshur, and demanded a denial or recantation of the charge, the former of which was made, concluding with these words: "you got that from Mr. Campbell's letter," to which my brother answered in the affirmative. The course which I determined to pursue towards Upshur, was confined to Mr. Murphy and myself, until I was driven to the necessity of a publication, and then not until the manuscript was ready for the press, (that I recollect) did I converse with any other on the subject. At the time my pamphlet issued from the press, my brother was and had been for some time previous confined on a jury. Sufficient time having elapsed and Upshur failing to do him that justice publicly to which he was entitled, the following correspondence ensued.

RICHMOND, April 7th, 1822.
BELL TAVERN.

Mr. Upshur,

Sir,—No doubt you recollect my calling on you some time back, relative to an insinuation in Mr. Campbell's letter, touching on my character, and was satisfied with your verbal answer. Since which time that letter has been brought before the public, through the medium of the press; I therefore presume, you will see the propriety of an answer, through the same medium, or in writing to yours,

GEORGE HENDREE.

N. B. It is proper I should inform you, that what passed between you and myself never was communicated to my brother, until after his publication.

G. H.

To which the following answer was received.

Sir,—I received your note of yesterday. It will probably lead us into some details, which would be more proper for a

personal conversation than a written correspondence. I shall, therefore, expect to see you, as soon as you shall be released from the jury.

A. P. UPSHUR.

Monday morning.

Mr. George Hendree, Present.

RICHMOND, April 9th, 1822.
BELL TAVERN.

Sir,—I received yours this morning, and it is very uncertain, when this jury will be discharged ; you can see me here until to-morrow morning 11 o'clock, where you are at liberty to have conversation with me on any subject, not touching the case before this jury.

GEORGE HENDREE.

Mr. Upshur, Richmond.

If I had not previously shewn him Mr. Campbell's letter, how is it possible he could have known whence my brother got the information? Would he not have enquired, upon what authority he made the demand? Would he not have desired to see Mr. Campbell's letter? If the demand had not been made, and on the authority of Mr. Campbell's letter (and which he, Upshur, knew,) why did he answer my brother's note of the 7th, as is shewn above? It will now be a fair enquiry, if Upshur denied it to my brother, why did he not do the same to me? Although I have shewn by his letter to my brother, that he did *verbally* deny to him, the truth of Mr. Campbell's assertion, and made the same confession to others, yet he did not make the declaration publicly through the press. And why? Because it would reach Mr. Campbell, and he feared the consequences, and my brother was left no other alternative than publishing him, which he did on the 12th of April last, in the Richmond Commercial Compiler, and the truth of which he, Abel P. Upshur, has never dared deny. As my object here is only to shew that he did see Mr. Campbell's letter, I shall explain the cause of his refusing to deny or recant the charges to me in another page. Will it be said, the inferences are not fair? Surely not; but suppose I admit it, what will be said to the declaration of Upshur himself, on that very subject?

"The way of the wicked *is* as darkness."
"They know not at what they stumble."
Proverbs, ch. iv. v. 19.

The following extract I received, when in Philadelphia last.

"The truth is, the letter which is certified by Peter Mur-
"phy, is the only thing like a demand which he ever made on
"me; and Murphy tells the truth, when he says, that I refus-
"ed to answer it. I told him to go back to Hendree and in-
"form him, that he appeared to have changed his tone, that
"I would answer no demand whatever, and that if Hendree
"wished any thing from me, he was to ask it as a favor."

A true extract from a letter from A. P. Upshur, esq. dated Richmond, April 5th, 1822, in my possession.

GEO. CAMPBELL.
Philadelphia, May 7th, 1822.

Father above! Look down and have mercy on that being whose private correspondence is held up in judgment, convicting him of falsehood in his statement before the public, beyond any human possibility of contradiction. It affords me a source of satisfaction in being able to introduce the creature's own letter to commit him, because his declaration involved the truth of Mr. Murphy's statement; not, that any person, I am well convinced, who knows Mr. Murphy, would question his integrity, but he appears before a public, to whom he is a stranger. It has another effect; it shews the malignity of the individual towards the man who was actuated by the purest motives of friendship for me, and had no other feeling towards Abel P. Upshur, than every honorable man must feel towards the filcher of private character, that when using his name, he omits that respect which should be by him at all times observed towards his superior; and who could know the fact that Mr. Murphy was his superior in point of integrity better than Abel P. Upshur himself?

In approaching the subject of the charge of Forgery, it is impossible to suppress sensations which rise involuntarily from being obliged to introduce proofs, yes, incontrovertible proofs against those concerned in prefering the charge which nothing but the conviction of its bearing reconciles the necessity of bringing to light; willingly I would the gloomy record should have slumbered forever: be assured, this deep concern does not arise from any thing I have to fear from a disclosure of every circumstance connected with it, but for those who are unfortunately connected to the witnesses by blood or otherwise, whose feelings I willingly would have spared; therefore, charge me not with cruelty. I sought it not; they have volunteered to my injury, and the right of self defence is the privilege of every man; nay, I even regret the necessity of naming individuals whose characters are long since blasted by public indignation and covered with odium. If in the course of this defence, I shall be so unfortunate as to fail in completely and effectually establishing the fact of the charge being false, originating in malice and to benefit another's purse, then let no arm be interposed to avert the justice of the blow; but if on the contrary, I do beyond a doubt establish my innocence, let it be acknowledged even by my enemies. I shall be as clear and as brief in the detail as possible,

"Nothing extenuate,
"Nor set down aught in malice."

One John Rozell of Manchester, found it necessary to raise the sum of $ 1200. the larger part of which he wanted by the 10th of June, 1818, for the purpose of meeting his engagements, (but of what nature I do not recollect.) Some days before the 10th, he came to me for the purpose of getting his object effected. It was agreed to, provided the security he offered was given. For the greater certainty of negotiating the paper, it was thought advisable to divide the amount. He therefore executed and procured the endorsement of Mr. Lewis Convert of this city, Dr. Beverly Smith, and Frederick Clarke of Manchester, to two notes of $ 600 each, at four and six months date from the 7th June, very properly supposing time would be required to raise the money. The notes were put in my possession, which I retained as security for having advanced him the amount his necessities would require, in a few days. As soon as I succeeded in negociating the paper, Rozell was informed of it and told the balance was subject to his order. In the interim, he finds his necessities did not re-

quire the amount he had anticipated, and the sum required was so very inconsiderable, that a friend of his offered to loan it to him. This communication he made to me, and requested the notes to be returned, which was out of the question, for they were no longer in my possession; in consequence of which, a difference took place between Rozell and myself, and it was agreed he should pay up the amount I had advanced him, and the balance be paid into the hands of Samuel Taylor, esq., who was to pay the notes at maturity, which was punctually complied with. Thus it rested for eight months, and yet

"No whisper told all's not well."

About this time, one Peyton Drew* of this city, (and the confidential friend and associate of A. P. Upshur, as I shall presently shew,) heard of the difference which had taken place at the time of the negotiation, and knowing the character of Rozell, he at once concluded his object would be attained, by proving some act on me, by which my testimony would be invalidated, or by possessing himself of John Rozell and Frederick Clarke, to testify to what he desired: he then would, through me, force my brother to acknowledge his unjust demand; the latter of which he first attempted, by speaking of the controversy between Rozell and myself, and saying he had secured Clarke and Rozell, to swear to what he wanted, then alluding to the pretended claim of Dance against my brother for his benefit, and saying if he could procure money, he would be silent. He spoke several minutes in this unconnected manner. Feeling as I did, not only conscious of my innocence of improper conduct, but ignorant of what the creature actually alluded to; I suffered it to pass, without notice at the time. Before I proceed further on this subject, it is proper that I should not only let the reader know who this Peyton Drew is, but at the same time, shew that he is a creature intrinsically too insignificant to notice, but from the relation in which he stands to A. P. Upshur, and this transaction, (however offensive to the touch in doing so,) I am under the necessity of submitting. Therefore, to bring both Drew and Upshur, before the public in the most imposing attitude, and that there may be no doubt, as to the high authority by whom they are introduced, I will cause the records of Virginia to perform that

* It is proper here to remark, that previous to this, there was a suit instituted by H. Dance, for the benefit of this Drew, against my brother, in which I was a witness.

office of civility, and of myself will say but little, farther than explanation is essential; but will give the language of others, suitable to the enormity of the crime. I now mean to establish the fact, that he did forswear himself on the 26*th day of July*, 1817, in this city.

> " This look of thine will hurl my soul from Heaven,
> " And fiends will snatch at it."

The first step (as I am informed,) required of a man when he intends taking the oath of insolvency, is to notify the party or parties, or their counsel, to whom he is indebted, and at whose instance he is held in custody, of his intention. Mr. King not residing in this city, the following is a copy of the notice, delivered to his counsel :

" Take notice, that between the hours of eleven o'clock in the forenoon, and seven o'clock in the afternoon of this day, the 26*th of July*, 1817, at the court-house of Henrico county, I shall take the oath prescribed by law for an insolvent debtor, upon two executions, issued from the superior court of law for Henrico county, one of them issued on behalf of Robert King against myself, and the other on behalf of said King, against Harrison Dance and myself.

PEYTON DREW."

He then sends a petition to any two magistrates, praying for the removal of his body from jail, that he may effect his intended object (that of taking the insolvent oath.) In compliance with the prayer, the following order is issued :

" *Henrico County, to wit.*

" To THE KEEPER OF THE JAIL OF SAID COUNTY.

" Whereas, Peyton Drew of the city of Richmond, now a prisoner, upon execution for debt in your custody, hath by his petition to us Joseph H. Mayo and George Williamson, justices of the peace for the county of Henrico aforesaid, prayed that he may be discharged out of custody, pursuant to the act of the General Assembly, in that case made and provided: these are therefore in the name of the commonwealth to require you to bring immediately before us, or any two justices of this county, at the court house of this county, on this day, the body of the said Peyton Drew, together with a

list of the several executions wherewith he stands charged in your jail, and have then there this precept. Given under our hands and seals, the 26*th day of July*, 1817.

" GEO. WILLIAMSON, [Seal.]
" JOSEPH H. MAYO, [Seal.]

" A copy—Teste,

" J. ROBINSON, Cl'k."

His body is now removed from prison by the jailor, before the justices, who administer an oath, by which the deponent declares he surrenders *his all*. It is long—I will, therefore, only give an extract, which is fully sufficient to shew to what he swears: he begins by saying: " In the presence of Al-" mighty God, I solemnly swear, &c. &c." that he has no effects in possession, or has any person for him, a part of which is in the following words, " whereby any money may *hereaf-*" *ter* become payable, or any benefit or advantage accrue to " *me*, or to my use, or to any other person or persons in trust " *for me*; and that I, or any other person or persons in trust " for *me* have *not* land, money, stock, or *any other* estate, real " or personal, in *possession*, reversion, or remainder, of the " value of the debt, or debts, which I am charged in execu-" tion; and that I have not, directly, or indirectly, sold, les-" sened, or otherwise disposed of in trust, or concealed all, " or any part of my lands, money, goods, stocks, debts, secu-" rities, contracts, or estate, whereby to secure the same; or " to receive, or expect any profit therefrom, or to defraud or " deceive any creditor, or creditors, to whom I am indebted " in any wise howsoever. So help me God."

The oath having been made, and some other forms required, complied with, the following warrant is issued for his release:

" *To the Sheriff, or keeper of the Jail of Henrico county.*

" We hereby command you, in the name of the commonwealth, forthwith to release, and set at liberty, Peyton Drew, a prisoner, now in your custody, by virtue of an execution against him, at the suit of Robert King, for the sum of three thousand dollars, with interest from the 30th of March, 1816, till paid, and costs; and of another execution against Harrison Dance and said Drew, at the suit of said King, for the sum of one thousand and thirty dollars, and eighty three cents, with interest from the 10th of March, 1816, till paid, and three dollars and seventy five cents, and costs, and thirty

seven dollars and twenty one cents damages, the said Peyton Drew having complied with the directions of the act of the General Assembly, for the relief of insolvent debtors, if the said Peyton Drew is detained in your custody for no other cause than the executions aforesaid, and for so doing, this shall be your warrant. Given under our hands and seals, as justices of the peace for Henrico county the 26*th day of July*, 1817.

" GEO. WILLIAMSON. [Seal.]
" JOSEPH H. MAYO, [Seal.]

" A copy—Teste,

" J. ROBINSON, Cl'k."

The prisoner Drew is now set at liberty, and scarce had he passed without the threshold of that door, within which he had but that moment, before his God, made oath he had not effects of the value of the *one* debt with which he then stood charged, when he consents to become the security of another, and repairs forthwith to the clerk of the court of appeals for the purpose. Now to the sequel, for which there can be no apology !

" Blow me about in winds ! Roast me in sulphur !"
" Wash me in steep-down gulfs of liquid fire !"

Although the clerk of the court perfectly well knew, Drew was insolvent and not responsible for one cent, provided he (Drew) chose to comply with the law in making oath, that he was worth the sum for which he was then to be bound, the clerk could not refuse receiving him, and in obedience to the duties of his office he administers the oath (holding in his hand at the same time the bond to which Drew had that moment subscribed as security.) Being of the usual form, it is unnecessary to insert it here :

" To wit :

" This 26*th day of July, one thousand eight hundred and seventeen*, Peyton Drew the surety to the within bond, personally appeared before me, and made oath that his estate after the payment of *all* his debts, is worth one hundred dollars. Given under my hand the day and year above mentioned.

" H. DANCE, C. C. A.

" Copy—Teste,

" H. DANCE, Clerk."

Reader, if you doubt, read again, and again, and then question the truth of the records of Virginia.

"There is a God,
"All nature speaks aloud."

Then just as firmly must be believed, that on the *26th day of July*, 1817, Peyton Drew did forswear himself. At that moment his hand which held the Holy book should have withered and dropped from his body, ere he suffered the sacred record to be polluted by his lips. What must be the feelings of a jury, when called on by a creature to hold sacred that oath, the solemnity of which, and the enormity of its violation he himself totally disregards; nay, the very hand which holds the book, and records the oath, is "perjured to the bosom," and what the feelings of the judges of that court of which he is clerk? What security have they for the records of their official acts? But what must be the sensations of the legislature of Virginia, when told that to such a creature's trust, is confided a portion of the records of the state, and they the guardians of the people, allow a sacrilegious wretch, to hold an office within their gift? What does the honor of the state claim, what does the honor of their own body loudly call for, and above all, what does the sanctuary of the courts of justice imperiously demand? The same answer must be given by all; a change. Ignorance will no longer be a shield for the omission of a hallowed duty. Bear in mind the legal maxim, that "the judge is condemned when the criminal escapes."

The law very correctly presumes every man to know what is on record. This inference is very justifiable towards A. P. Upshur, not only from the particular intimacy between himself and Drew, and the relation in which they stand to each other at this moment, and have for years, a client and counsel in numerous suits, but from the positive proof which I shall now introduce from the records, to shew the manner in which he was connected with Drew in the foregoing fact:

"I certify that Abel P. Upshur, Esq. is entered on the docket of the superior court of law for Henrico county, as attorney for Peyton Drew, in a suit brought against the said Drew by Robert King, in which suit a judgment was rendered for the plaintiff, on the 25th day of April, 1817, for $3,000, with interest thereon, from the thirtieth day of March, 1816, till payment, and $3 75 cents, and costs $9 90 cents.

"J. ROBINSON, *Clerk*."

It is perceived, that judgment was obtained on the 25th of April, 1817, and on the 26*th of July* following, while held in custody for that very debt, he swears he has surrendered his *all*, and was not worth sufficient to pay that *one* claim, and on the same day he not only swore he had property sufficient to pay *all* his debts, but that he had *at least* one hundred dollars more. The reader being now thoroughly convinced that A. P. Upshur was privy to this specific fact, and no doubt many others equally vile, might enquire what has the number or enormity of his crimes to do with my defence? It is not because he is the confidential friend and associate of A. P. Upshur, and the one he did send post haste to Philadelphia in the month of May last, five years after the perjury, with letters of *introduction* to his friends, and to prevent, if possible, my getting possession of the letters he had written to Mr. Campbell, relating to me,* *and if necessary, to procure a certificate of the interpolation, in the* 18*th page of my pamphlet*, relative to the sale of my library; not because it is the same Drew who did, without authority, announce to the citizens of Philadelphia, through the "Democratic Press," and the "American Daily Advertiser," (refer to Mr. Binns and Mr. Poulson the editors,) that a reply to my pamphlet, circulated in that city, would shortly appear, "*by a citizen of Richmond;*" and because Upshur who had previously determined not to answer my publication, (see his exordium) did comply in obedience to the annunciation of his friend Drew; not because, this is the creature who communicated with Upshur, and informed him that my publication had covered him with odium, in Philadelphia; not because he was Upshur's right hand man in getting up his pamphlet; not but what these facts shew at this time and long anterior, the existence of the most confidential communion between them, and all of which are strictly true, and shew in the clearest point of view, the link by which they are connected, and "he who communes with the wicked must perish with them;" yet they were by no means the causes which induced me to shew the fact of perjury. My object is to shew that this Peyton Drew, who in January, 1819, before a magistrate in this city, made oath that I had committed a forgery, is the same who 18 months before, to wit: on the 26*th July*, 1817, did forswear himself, which is shewn by the records of the state, and to which act Abel P. Upshur was privy, and who in Jan. 1819, with a thorough conviction, that not the least

* In this effort he was disappointed. I had received them, before his aid-de-camp reached there.

credit was to be attached to Drew's oath, did, as one of the police officers of this city, direct and advise said Drew, how to proceed for obtaining my arrest. I will not pretend to say the paltry sum of five dollars, which is allowed him by the city for conducting a prosecution, could have been the object he had in view, in wishing to convict me; no, he was to partake in the sum recovered from my brother, by invalidating my testimony, by hook, or by crook; how, he did not care. For it is a fact, well known, that Drew is indebted to Upshur, a large sum of money, and this, if procured, was to go to lequidate that debt.

"Who should be trusted now? The right hand
"Is *perjured* to the bosom."

This Peyton Drew on the 7th of January, 1819, did make oath before a Magistrate that I had been guilty of forgery, and to sustain the charge he introduced John Rozell and Frederick Clarke. I wish it to be remembered, that the notes spoken of bear date the 7th of June, 1818. Frederick Clarke swore that he endorsed them on the 18th of June, and then they bore date on the 17*th of June*, "I know this *fact* (said he) *having made an entry of it at the time.*" Rozell went measureably to support Clarke's testimony, but not fully. This was considered sufficient ground for the call of a court of examination to enquire into the circumstances and the testimony, and to see whether the charge was founded on truth or falsehood; consequently the 14th day of January, 1819, was the day appointed for the court to convene. In the interim (that is between the 7th and 14th of January,) I was employed in ascertaining how to rebut the charge. Upon examination, the signature of Messrs. Moncure, Robinson & Pleasants, was found to be the last endorsement on one of the notes,* and

*As the whole "controversy turned on the fact of the alteration," and the fate of one note decided that of both, I shall for the present only speak of one, and will therefore exhibit that, being the one on which the police Lawyer relied, and tried the question.

$ 600. *Richmond, 7th June*, 1818.

Six months after date, I promise to pay to Lewis Convert, or order, six hundred dollars, negotiable and payable at the Bank of Virginia, without offsett, for value received.

(ENDORSED.) JOHN ROZEL.

L. Convert, } *Fred. Clarke,* }
Bev. Smith, } *Moncure, Robinson & Pleasants.* }

A Copy—Teste, TH: C. HOWARD, Cl'k.

the firm to whom the money was actually paid. This information was given to Mr. B. W. Leigh and Mr. M. M. Robinson. Mr. Leigh forthwith called on Mr. Frederick Pleasants, (one of the firm of Moncure, Robinson & Pleasants,) who stated the following fact, "that the note was dated on the 7th June, 1818, and was in their *possession on the 16th* of the same month with Clarke's endorsement," and he offered the books of the firm in evidence. Mr. Robinson, (without any knowledge of the enquiry made by Mr. Leigh,) also called on Mr. Pleasants, and received for answer the same. Both of the gentlemen called on me at my brother's, and expressed to him and myself their full conviction, that the examining court would acquit me. I state this fact to shew that they not only performed their duty as counsel, but a duty of greater magnitude, that of defending and establishing the innocence of an injured man. Previous to the convening of the court on the 14th, Peyton Drew, who was aware of the fact I should establish by Mr. Pleasants, and knowing it would weigh down a world of testimony on the other side, apprised Clarke of it.* On the 14th of Jan. the court of examination was formed, and Frederick Clarke was brought in,† who, at this time declined saying what he had sworn to on the 7th, but stated that he *believed* it was on the 14*th or* 15*th* of June, that he endorsed the notes; at which time they were dated the 17th June, as well as his *memory served* him, as he made *no* memorandum of it. Mr. Frederick Pleasants was then requested to state what he knew. He not only established the fact by the records‡ of their business, that the note was in their possession, on the 16th June, then bearing date the 7th of that month, with the

*I deem it unnecessary to speak of Rozell. As Upshur has thought him an unfit subject to constitute any part of his defence, he cannot be a fit one for me to criminate. I think I am correct in believing his testimony had not the least influence with the court, but not as Upshur says, "owing to the relation in which he stood, as drawer of the note," but from an act of his own life, which was then held up in judgment against him; and having no wish to injure the man, I shall decline speaking of him, more at this time.

†It was requested by my counsel, and adjudged correct by the court, that the witnesses for the prosecution should be sent out of court, and one at a time brought in, to prevent the one from knowing what the other had stated; and it had the best possible effect in "upholding truth and fair dealing."

‡It is proper for me here to remark, that the firm of Moncure, Robinson & Pleasants, (of whose books I am now speaking,) is one amongst the most respectable mercantile houses in this country.

endorsement of Frederick Clarke, but on his oath, gave it confirmation by declaring his conviction of its truth. Frederick Clarke was then called up by my counsel, to say whether he did not *positively* swear on the 7th of January, that he endorsed the notes on the 18*th* of June, which he most positively denied. My counsel then requested Mr. Charles Copland, (who was a magistrate on the 7th that heard Clarke's testimony,) to say what was Clarke's evidence at *that* time. Mr. Copland, who, with the most perfect recollection of what it was, and without the least hesitation; (I will give his own words) stated, that "Mr. Clarke declared positively, that he "endorsed the notes on the 18th of June, that he had made an entry of it at the time." Mr. Lewis Convert the first, and Doct. Beverley Smith the second endorser, were then called on, who declared they had no recollection of the date of the note, and whether dated the 7th or 17th, would not have the least influence with them as to endorsing. Thus stands the testimony of Frederick Clarke, the witness relied on by A. P. Upshur, to support the charge.

The testimony of Frederick Clarke, on the 7th of January, 1819, before the magistrate, who ordered my arrest. "I endorsed the notes on *the* 18*th June*, 1818, at which time they bore date on the 17*th* of the same month. "*I know the fact, having made an* entry *of it*, at the time."

Frederick Clarke's testimony, on the 14th January, 1819. "I believe I endorsed the notes, on the 14th or 15th June, 1818, at which time they bore date on the 7th of the same month, as well as my memory serves me, *having made no* memorandum of it"

Frederick Clarke was then called up, examined, and required to say, whether his testimony was not on the 7th, what is stated above, which he positively denied.

The testimony of Mr. Frederick Pleasants, on the 14th June, 1819. "Our books shew the note was in our possession, on the 16th June, 1818, with the endorsement of Frederick Clarke, at which time it bore date on the 7th same month, which fact, I believe to be perfectly correct and true."

After Clarke's denial, Mr. Charles Copland was called on to say, what his (Clarke's) testimony was, on the 7th January, who stated thus: "Mr. Clarke declared *positively*, that he endorsed the notes on the 18th June, 1818, that he made an entry of it at the time."

The books of one of the banks, (which, I do not recollect,) corroborated the fact of the occurrence of the transaction, on the 16th of the month, as exhibited by the books of Messrs. Moncure, Robinson and Pleasants. Here my counsel proposed to leave it to the court, without argument, which A. P. Upshur, who was the corporation lawyer, refused. He commenced on the part of the prosecution, by attempting to offer some impertinent remarks, on the testimony of Mr. Frederick Pleasants, who instantly checked his assurance, and he did not presume to hint any thing offensive afterwards. The case be-

ing argued on both sides, the court at once acquitted me. Immediately after which, in open court, information was lodged with A. P. Upshur, and he was directed expressly to indict Peyton Drew and his associate, and his A. P. Upshur's oath of office binds him under such circumstances to prosecute, but in this instance, he failed to comply, and he now stands publickly charged with a violation of his official duty. Mr. Leigh and Mr. Hay, (who made as usual, an able defence,) in their zeal for their client's cause, and from a thorough conviction of my innocence, and the very contradictory statement made by Clarke himself, induced them both to animadvert on his testimony with freedom. Mr. Hay, made a direct charge, (which his letter that here follows, will explain,) in which he was fully justified, by the testimony before the court. These facts were made very current, as well as all the circumstances of the examination, going much to the prejuduce of Clarke; and although it will be quite contrary to the expectation of A. P. Upshur, I am determined to do him (Clarke) all the justice in my power. I will therefore, re-publish the means placed in his hands, to remove, if possible, the imputation of perjury, under which he labored, and with which he had been charged in open court.

[The following letters appeared in the Enquirer on the 11th Feb. 1819.]

To the Editor of the Enquirer.

I send you (with a request that you will give them an insertion in your paper,) the enclosed letters, which, although they relate to an affair that has been settled some time since between those gentlemen and myself, privately and satisfactorily; yet as the imputation made on my character and feelings, to which they apply, was made by one of those gentlemen, and a report, that a similar imputation was made by the other, having become as public; that painful as it is to appear in a newspaper on such a subject, I have no means left to counteract the public impressions, but in publishing their letters; in which will be found the *retraction* of the one gentleman, and the denial of the other that he ever made the charge. Whether Doctor Hendree was guilty or innocent, and whether *I* was mistaken, or Mr. *Pleasants* was mistaken, is a matter of no sort of concern to me; and are certainly not subjects for newspaper discussion.

I am, very respectfully,
Your obedient servant,
FREDERICK CLARKE.

February 5th.

RICHMOND, January 29th.

Sir,

As you have already declared yourself perfectly satisfied on the subject of the conversation that took place between us on the 27th, you may perhaps be surprised at my renewing the subject. In truth, though you are satisfied with me, I am not exactly satisfied with myself. The manner of your conversation with me, left no other sentiment on my mind towards you, but sympathy for your wounded feelings. No man shall have reason to complain of even an unintentional injury at my hands. As I learn that a report has gone abroad, that in my defence of Doctor Hendree, I made an imputation on you, which you know I did not make, and which I know I did not intend to make, I really see no effectual way of remedying the mischiefs, such reports are calculated to produce, but the making public what I have said in private. I therefore take this method of stating explicitly, that the whole and sole object of the remarks I made on your evidence in Doctor Hendree's case, was to prove that you were mistaken, and Mr. Pleasants was right in respect to the date of the transaction, concerning which you were examined, that date being almost the only point in the cause. I then thought, and still think, that my client was perfectly innocent of the offence of which he was accused. I then thought, and still think you were mistaken as to the matter of the date ; but I never expected that a charge of perjury would be inferred from the imputation (however unqualified) of a mistake concerning the date of an ordinary transaction which occurred six months ago. I did indeed discuss the subject with freedom (for that was necessary to the faithful discharge of my duty,) and with the more freedom, so far as you were concerned, from a belief that you were not at all likely to misunderstand me. I am happy to hand you herewith a letter from my friend Mr. Hay, which I think cannot fail of being very grateful to your feelings. And I advise you to publish both his letter and mine.

Your obedient servant,

B. W. LEIGH.

Mr. Frederick Clarke.

RICHMOND, Jan. 29th.

Sir,—I have to acknowledge the receipt of your letter of the 28th ; and I am glad you wrote it, since it puts it in my power to do you effectual justice, voluntarily. When I made

the imputation upon your character, to which you allude, I certainly thought myself justified by the circumstances, and bound in duty to my client, to make it. At the same time, you may be assured, that it was very painful to me to wound your feelings in so tender a point. I have reflected a great deal on the subject since, and while I am more and more convinced of Doct. Hendree's innocence of the offence laid to his charge, my impression in regard to your evidence, on his trial, is altered. No false pride shall ever induce me to persevere in an unjust imputation on the character of any man. I can readily believe, that a witness at one time may be very positive as to such a fact as the date of a particular transaction's occurring months before; and at another time, have only a strong impression on the subject; and that both when he swears positively, and when he swears to his impressions only, he may be mistaken, without the least intentional violation of truth. I still think you are mistaken, as to the date of the transaction, concerning which you were examined, but I also now sincerely believe, that you were perfectly innocent of stating any thing on that trial, which you did not believe to be true. The fairness of your character, reported to me by gentlemen in whom I completely confide, and, above all, the feelings you have manifested on this occasion (in which, as you suppose, I really sympathise,) would, of themselves, have been sufficient to induce me to acquit you, bearing false witness against your neighbour.

My design, is to make you complete reparation, and the most effectual way of doing that, is certainly to publish this letter. I think, however, I ought to leave that entirely to yourself; and, therefore, I shall only say, that you have my free consent to make this letter public, or not, as you please.

I am, &c.

WM. HAY, JR.

Mr. Frederick Clarke.

What magnanimity of conduct! While Messrs. Leigh and Hay, are displaying the most noble and generous feelings of honorable men, towards redeeming an individual, whose inconsistency of testimony, had stained his integrity, A. P. Upshur is seeking to exalt his own character, by suffering Mr. Stout to lead him by the nose, through the city of Philadelphia, to injure by falsehood, one who "is not offending." While the soul swells with admiration of the two first, the cheeks mantle with indignation, at the conduct of the latter, and the heart sickens with pity, that as a human being, he

should have sunk beneath the meanest reptile that crawls, in thus prostituting the character of a man. Let my opinion of Clarke's testimony be what it may, and let that opinion be founded on facts, known to myself however strong, as to whether he wilfully or innocently swore wrong, it is my sincere wish, that the public may unhesitatingly, subscribe to the opinion of the two gentlemen, whose letters are published above. For, if Clarke was innocently mistaken, I was innocent of the charge, and if he wilfully swore false, I was no more than innocent, and to establish that, is all I can possibly desire; therefore, may his oath be thus recorded in Heaven, "he was innocently mistaken." Although it is fair to presume, I did know of the publication of the above letters, yet as they were written and received without my knowledge, it is proper I should put the fact of my having known their contents beyond a doubt. I will therefore, shew what Mr. Trueheart, who was connected with the Enquirer, says on the subject.

"I have been on the most friendly, and intimate terms with Dr. John Hendree, during his residence in this city, and have several times spoken with him, on the subject of the charge of forgery, which was preferred against him; he invariably maintained his innocence, and never admitted for a moment, any thing to the contrary, and always spoke of it, as a malicious prosecution. I recollect well, to have spoken with him on the subject of the letters of Messrs. B. W. Leigh and Wm. Hay, addressed to Mr. Frederick Clarke, who published them in the Enquirer of the 11th February, 1819, wherein they do, in the strongest terms, declare the innocence of Doctr. Hendree, and with my knowledge of him, I always did, and do still, believe him perfectly innocent of the charge.

D. TRUEHEART."

Richmond, Va. 1822.

I will now establish, by Mr. Johnson, together with Mr. Trueheart, this one important fact, that I never confessed to those who are among my best and most intimate friends, having made the alteration:

"I have been on the most intimate terms of friendship with Doct. J. Hendree, during his residence in this city, and have on several occasions spoken with him on the charge of forgery, which was preferred against him. He always maintained

his innocence, and spoke of it as a malicious prosecution; and with my knowledge of Doctor Hendree and the circumstances which came out on the trial, I always did, and do still believe him perfectly innocent of the charge.

DAVID JOHNSON."

Richmond, Va. 1822.

Suppose I admit for a moment, that the notes were made on the 17th of the month, and Frederick Clarke endorsed them on the 18th, and they were altered to the 7th, then enquire into the injury to be sustained by the parties, and thoroughly examine the *quo animo*, the *intent* of the act, and see how far it was criminal. Was the amount of the notes altered? No. Was any name forged? No. Were the notes improperly obtained? No. Was the money which they were to produce, withheld from its rightful owner? No. For John Rozell received from me, the larger portion immediately on putting them in my possession, and the balance was offered him a few days after; then what benefit was I to derive from the alteration? Was it that of getting the money ten days earlier, than it was in reality due? No, that could not be, for one of them was in the possession of Messrs. Moncure, Robinson and Pleasants, on the 16*th June*, and the other Mr. John J. Werth, certainly held on the 8th of July, how much earlier, I do not know; for the fact is, neither of them were passed to the holders by me, but they received them from a second or third person. It is unnecessary to go further into that enquiry, as it never has been pretended that gain was the object for which the alteration was made. The next enquiry is, who was to be injured by the alteration, the drawer? No, for he received the money agreeable to contract. Then were the endorsers to be injured? No, for Mr. Convert and Doctr. Smith expressly stated, it was of no importance to them, whether dated the 7th or 17th of the month. Was it then Frederick Clarke alone, who was to suffer? No, that is impossible, for, in the paper published by A. P. Upshur, page 41, he (Clarke) is made, (when speaking of the interview he had with me in June 1818,) expressly to use the following words, "and besides "such had been his confession, as to protect, in my opinion, the "drawer and endorsers of those notes from any liability under "them." Consequently, by his own shewing, he was not to be injured, but, on the contrary, exonerated from any liability as endorser: then who was to be the gainer or loser by the alteration? No one. The next question is, did Frederick Clarke endorse them on the 18th of June; if he did, it is more

than probable he was right as to their being dated on the 17th of the month? No; it is impossible he could have endorsed on the 18th, when one of them was in the possession of Messrs. Moncure, Robinson & Pleasants on the 16th, which is a fact beyond the least question, as is not only shewn by the testimony of Mr. Pleasants, and the occurrence of the transaction on that day corroborated by the banks, but by the fact that Clarke not only refused to repeat on the 14th of January, what he had sworn to on the 7th of the same month, but positively denied the statement he made on the 7th which Mr. Copland proved on him. Let any man take a view of the foregoing statement, and then believe there was guilt (admitting the alteration to have been made) in the intention, if he can. If, therefore, it be admitted, that it was a guiltless intention, it must also be admitted, that it was a harmless act. But, can it be believed that John Rozel, or any other person, whose necessities required money to be raised under such circumstances, would be so stupid as to think it possible a note could be negotiated before it was in existence? Who would receive in payment an obligation with four names (the drawer and three endorsers) before the arrival of that day of the month on which it bore date? An accident to either party previous would at once cancel his liability. Such a transaction might occur between honourable and confidential friends, but never in the ordinary transactions of business where confidence and friendship extend no farther than is justified by the security held. It must now be admitted, that I have not only shewn that I could gain nothing by the alteration, but have proved I never made it, (if made at all.) I have also shewn; first, that the individual who preferred the charge on his oath, did eighteen months previous forswear himself; secondly, the witness who was to sustain the charge, was in his testimony mistaken, say the least of it; thirdly, my acquittal by the only tribunal on earth, who could, as I then stood, establish the fact of my innocence or guilt; fourthly, a declaration of my innocence made by two among the most eminent members of the Virginia bar, to whom qualification and opportunity had given every advantage to judge, and their declaration made without my knowledge or solicitation; fifthly, that there was no motive to prompt me to the act; and sixthly, the result was perfectly satisfactory to my friends, in whose conduct towards me, I have not experienced the least change. Is it not fair to presume that I should here be willing to let the matter rest; will any man doubt it? Yes, there is one; the same who was told immediately after the adjournment of the court, by

a perfectly disinterested man. "What you have done to Dr. Hendree, I would not have done for the world, no, not to save my right arm." It was A. P. Upshur, who had it given him, and however severe that may have been to his feelings, his disappointment was greater in not setting aside my testimony to aid the cause of Drew, by which his pecuniary concerns were to be benefitted. To shew the visionary mind of this creature, Upshur, I will here insert an extract from his letter to Mr. Campbell, of the 19th September, 1821, (see his pamphlet, page 4.) When noticing the interview, he says he held with me in Philadelphia, in the summer of 1821, he writes thus: "He requested permission to explain to me, "the circumstances of a supposed forgery, for which he had "been put on his trial in this city. Although I conducted the "prosecution, it had wholly escaped my memory, and I made "no mention of it in the conversation I had with Mr. Stout. "The forgery of which he was accused, consisted in the "fraudulent alteration of the date of a note from the 13th to "the 10th of the month.* There was much conflicting tes- "timony on the subject, the witnesses on both sides being "highly and equally respectable. The whole controversy "turned on the fact of the alteration, and the court not con- "sidering it sufficiently proved, he was acquitted. In the "course of the conversation which I had with him in Phila- "delphia, he acknowledged that he did make the alteration, "but at the same time stated such reasons for so doing, as if "true, would greatly extenuate, and perhaps wholly remove "the moral guilt of the act. At his trial, however, and be- "fore it, he always denied very strenuously that any altera- "tion had been made. He stated in Philadelphia, that the "alteration was made by direction or with the consent of "Rozel, one of the parties to the note, and I think the maker "of it. There were endorsers, however, whose consent was "not obtained, but against whom, as he asserts, no fraud was "designed."

It has been the misfortune of this "knight-errant," through the whole of this controversy, to have the lie given him flatly, by his best friends, (as he calls them.) They being a kind of testimony entitled to implicit credit, under such circumstances, I feel no disposition to change the course originally adopted. When in Philadelphia in May last, Mr. Campbell handed me, the original letter he had received from A. P. Up-

* "In this I was mistaken. It was from the 17th to the 7th of "the month. See Frederick Clarke's deposition."

shur, (of which the above is an extract.) On finding the following pass ge in it "although I conducted the prosecution, "it had wholly escaped my memory, and *I made no mention* "of it, in the conversation I had with *Mr. Stout*," I called on Mr. Stout to say, whether Upshur spoke of that specific circumstance or not, and for answer, I received the following note.

"Mr. Stout understood from A. P. Upshur, Esq. that "Doctr. Hendree had been prosecuted for forgery, and that "he appeared to escape being convicted, from some technical "circumstance or irregularity, not now particularly recol-"lected.

"*Philadelphia, 6th May*, 1822.

"*To Doctor J. Hendree, Walnut Street.*"

How can he possibly get over an assertion made by himself in writing, and the direct opposite by his friend Mr. Stout? He returns to Richmond, so fully possessed of the truth of the dream he had in Philadelphia, that he scarce could receive the welcome of his friends, ere he seeks his faithful friend and herald Peyton Drew, to give the story currency. He omitted one important point in his dream; the vision should have told him, that I had taken leave of my senses, and had become an ideot; that was very necessary before any, who know me, would believe him. I will now shew what change has taken place in the opinion of my counsel and the court, in the year 1822, three years after the occurrence.

"We the subscribers do hereby certify, that we attended the trial of Dr. John Hendree in this city, in 1819, when he was charged with having committed a forgery, and from what was communicated to us before the trial, and from the testimony adduced at the time of the trial, (before the examining court of this city, when he, Doctr. Hendree, was acquitted,) we have no doubt of his perfect innocence of the charge.

M. M. ROBINSON,
B. W. LEIGH."

"At the time referred to above, upon the trial and acquittal of Doctr. John Hendree, before the examining court of this city, I was the presiding magistrate. S. JACOBS."

"We were members of the court, alluded to above.

Richmond, 15th Jan. 1822.

JAMES WHITLOCK,
FRANCIS WICKER,
JOHN GODDIN."

Such testimonials are not only sufficient to convince every disinterested person, but are almost sufficient to convince me of my innocence, even suppose I knew the contrary. A. P. Upshur says "there was much conflicting testimony on the "subject, the witnesses on both sides, being *highly* and *equally* "respectable." What matchless impudence to level Mr. Copland and Mr. Pleasants, (the only witnesses introduced on my behalf,) two among the most respectable citizens in Richmond, with those I have before mentioned, who appeared on the part of the prosecution! Although I shall shew that the deposition of Frederick Clarke, in Upshur's pamphlet, beginning at page 41, and ending page 46, which purports to be taken in the suit between Dance, for Drew's benefit, against my brother, is a mere fabrication, and that no such deposition is on record; yet, I will go into an examination of it, and give clear proofs of its gross absurdity, and shew that it is a miserable invention of a diseased mind. In this deposition, page 43, Clarke is made to say "on the next day according "to George Hendree's promise, he did pay to Mr. Taylor, "the full amount of the *notes* aforesaid, with *my* directions* "to apply it to the payment of those notes, specially, which "were described, as dated on the 17th of the month, in which "they were executed; and I understood afterwards that I had "narrowly escaped a protest on account of those notes, in con-"sequence of the forgery committed on them, by the chang-"ing of their date from the 17th, to the 7th day of the month, "which rendered it, in the first instance, doubtful whether the "money so deposited with Mr. Taylor, *ought* to be applied "to their payment or not; and then it was for the first time, "that I had conclusive evidence by seeing the notes of the "fact, that a forgery had been committed on them." I will now shew from the records, the second note.

* Frederick Clarke is not in that assertion I believe, as is common for him to be, when on his oath, "mistaken," but he first *volunteered* to *receive* the money, and act as trustee. His *kind* offer not being accepted,† it must have been after this, I presume, he gave the "directions." His proffered services were very silently declined, apprehending his treacherous memory would not serve him, to *remember* the object to which it was *intended* to be applied, and while in *possession* of the $ 1200, he *might* have discovered at an earlier date, than that he has not only the doubtful propriety of its being "applied to their payment," but that the alteration had exonerated him, as an endorser from any liability.

† At which he took great umbrage.

$ 600. RICHMOND, 7th June, 1818.

Four months after date, I promise to pay Lewis Convert, or order, six hundred dollars, negotiable and payable at the Bank of Virginia, without offset, for value received.

JOHN ROZEL.

(ENDORSED.)

L. Convert, *Bev. Smith,* *Fred. Clarke.*

Received the within amount in full from Samuel Taylor, Esq. July 8th, 1818.

JNO: J. WERTH.

A Copy—Teste,

TH: C. HOWARD, Cl'k.

This note was not due until the 7th of October, 1818, but in fact the holder of it received the money from Mr. Taylor, on the 8th July, 1818, about *one* month after it was executed. The feelings of Mr. John J Werth must have been very hostile to Clarke, and the notary could have known but little of his business to suffer him to have "*narrowly escaped a protest*" three months before the money was due. In page 45, says he, "the last interview" (which appears by his own statement to have been in June, 1818,) "he was agitated and unguarded in his purpose, and *confessed* the *alteration of the dates* of the *notes*." This is very strange, that I *confessed* the *alteration* to him in June 1818, and yet he "*narrowly escaped a protest*," from being ignorant of the date. In his deposition, speaking of the *notes*, and the alteration, he says "which rendered it in the first instance *doubtful* whether the "money, so deposited with Mr. Taylor, *ought* to be applied "to their payment or not." Could there have been much doubt with Mr. Taylor, as to the propriety of the application of the money to the purposes for which it was expressly intended, when he actually paid one of them three months before it was due; (but on this very note, poor Clarke "*narrowly escaped a protest.*" Such a doubt never was for a moment entertained by Mr. Taylor; but says Clarke, the propriety of the application of the money to "their payment" was rendered doubtful at the instant he "*narrowly escaped a protest.*" I should think five months was sufficient time to decide on the propriety of the payment of the money, which time he actually had (independent of my confession to him in June, as he says,) from the fact of one of the notes actually

having been paid on the 8th of July, and the second was not due until the 7th of December following. How can Mr. Werth (the holder of the note) and the notary, make amends for the shock given to the feelings of Clarke in suffering him only to have "*narrowly escaped a protest*" on a note which had been paid long before it was due? Have the notary turned out of office: his conduct has "convinced me that he is a most acute "villain:" he has violated his oath. In the 43d page he says, "my recollection of the fact that the notes aforesaid, were "dated on the 17th of the month and not on the 7th, is "not only corroborated by entries on my bill book, which I "have examined, but is also confirmed by this further circum-"stance, that shortly after John Hendree was tried for the "forgery aforesaid, Mr. Rozel found amongst his pa-"pers the receipt given to him by John Hendree for the notes "before mentioned, in which receipt the date of the notes was "particularly specified to be on the 17th of the month, which "receipt Mr. Rozel delivered to me, and I carried it in my "pocket, for the purpose of shewing it to many in proof of "the fact that John Hendree had committed the forgery; so "that after a length of time the said receipt which I knew to "be in the hand writing of Jno. Hendree, has been either worn "out in my pocket, or lost, or mislaid, so that I cannot at this "time, lay my hands upon it." Mark his words "*is not on-*"*ly corroborated by entries on my bill book, which I have exa-*"*mined.*" See his evidence on the 7th of January, 1819, when he swore he *had made* an *entry* of it, and on the 14th, *denies* having said it, which Mr. Copland proved on him. This is explained by the letters of Mr. Leigh and Mr. Hay, very fully. He (Clarke) says Rozel found *my receipt* and *gave* it to *him*, which he *lost* or mislaid! Is there a man in the world, who has the least desire, that his oath should be entitled to credit, who would have lost a voucher, so important as my receipt to Rozel, specifying the notes to be dated on the 17*th* of the month—that established, would have at once removed the imputation which he now, and forever must labour under, that of being mistaken on oath. But, says he to the editor of the Enquirer, of the 5th February, 1819, "whether Dr. "Hendree was guilty or innocent, and whether I was mista-"ken, or Mr. Pleasants was mistaken, is a matter of no sort "of concern to me." Very true, his losing the receipt shews his unconcern; but how is it that in Upshur's pamphlet, he is made to say "the receipt Mr. Rozel delivered to me, and *I* "*carried it in my pocket*, for the *purpose* of shewing it to *ma*-"*ny* in proof of the fact, that John Hendree *had* committed

"the forgery." What motive could have prompted him to shew my receipt to "*many*," in "proof" of my "guilt," when it was "of no sort of concern to him?" Did he believe public impression was, that he had been guilty of perjury, that he carried it in his "pocket" so long, and had shewn it to so "many," as to wear it out? Such being the fact, what concern would he feel, when it is a matter of perfect indifference whether he was "mistaken," or Mr. Pleasants was "mistaken?" There certainly would be something strange, in seeing an individual traverse the town, (eight or nine months after the transaction,*) exhibiting a paper, proving a crime on a man, as to whose guilt or innocence he had publickly declared himself perfectly indifferent, and this too, after his innocence had been established by an examining court. The circumstances under which this affair stood before the public, was such that had a receipt ever existed, and got in the possession of an honest man, situated as Clarke was, he would have valued it more highly than the wealth of the Indies. If he is so careless of re-establishing his integrity, how idle is it for me to go on to invalidate it, or say more, further than to shew precisely how the case stands? G. V. Clarke, (the brother of Frederick Clarke) in his deposition, page 39, of A. P. Upshur's pamphlet, says, that I always denied the charge of forgery, before, and at the time of the prosecution. Frederick Clarke, in the 45th page, same pamphlet, says, in June, 1818, "I confessed the alteration of the dates of the notes;" and in the same deposition, that he had conclusive evidence of it, when the notes were paid, (one of which was paid on the 8th of July, 1818, thirty days, only, after it was executed.) The year 1819 arrives; nothing is heard of any confession, nor is there any receipt found, or even spoken of.

A. P. Upshur, in his letter to Mr. Campbell of the 19th September, 1821, when speaking of my confession of the forgery, says, "at his trial, however, and before it, he always "denied, very strenuously, that any alteration had been "made." I stand between the police lawyer and the brothers thus. I confessed being guilty of the act, and I did not confess it! I acknowledged the alteration of the notes, and I denied that any alteration had been made! I was guilty and I was not guilty! But, most wonderful to tell, A. P. Upshur, in 1821, returns from Philadelphia so completely surcharged

* It is a fact, that in January, 1819, the time of the examination, nothing was heard of any confession or receipt, ever having been made or given, and it is evident, it was not known in February, when he wrote to the editor of the Enquirer.

with the effects of his dream, that he not only contaminates those immediately around him, but the whole community becomes so infected, that "two or three persons in the presence of several others in the street," are telling it at the same time, and all in the same breath.* My guilt is now clear; I have confessed it, says one; it is publicly stated, says another; and on the 18th of May, 1822, says a third, a receipt, said to be mine, is found and lost, which never was heard of before or since. He also recollects, at *this* time, that I confessed the alteration of the notes to him in June, 1818, which he never knew of before, and that he had "*narrowly escaped a protest,*" in 1818, on a note, which had been paid *three* months before it was due. He also, discovered, at this time, that the propriety of the appropriation of the money in the hands of Mr. Taylor, to the payment of *these* notes, was rendered doubtful, five months after it had been appropriated to the very purpose for which it was intended. Can any one believe other, than the creature is mistaken *in toto;* and that the whole story is but the vapours of one whose mental faculties are impaired from conscientious conviction of the injuries he would have done me? But not content with trying to convict me, he undertakes to impeach the tribunal of his country. In this he certainly overstrides the bounds of prudence: the fountain of justice should be kept pure and uninterrupted: the court is sacred, its members are the choice of the people, to whom is confided to a certain extent the dearest rights of man, and none should censure the rectitude of their conduct. No doubt, those who have seen A. P. Upshur's pamphlet, page 41, containing a paper purporting to be the deposition of Frederick Clarke "to be read as evidence in a suit de-"pending in the superior court of chancery for the Rich-"mond district, in which Harrison Dance who sues for the "benefit of Peyton Drew, is plaintiff, and George Hendree, "and John Hendree are defendants;" and purporting to be both certified by Lewis Burwell, *Not. Pub.* and sworn to before Daniel Weisiger, a justice of the peace, were surprised at the boldness of my assertion in page 36, "*that no such deposition is on record.*"

I will now go further, the deposition never was taken in the suit, consequently never existed. It might here be enquired, if such is the fact, why have I taken off its mask and exhibited the hideous skeleton of a diseased imagination? I have

* See G. V. Clarke's deposition, in A. P. Upshur's pamphlet, page 39.

pointed out its gross absurdities to shew that I had nothing to fear from it, and I have done so the more freely in consequence of my ability to completely exonerate Clarke, and shew the whole to be a mere invention; for, those who know Frederick Clarke, *should* also know that his adherence to facts when he is on oath, is such as to defy the most rigid scrutiny, and will not only challenge the detection of a contradiction, but even of an error or *mistake:* and more, those who know him, also know he is fully A. P. Upshur's equal in point of respectability, and *should* also know he is too honourable to suffer himself to be coupled with John Rozel, Wm. Mallony and Peyton Drew, as the mere creatures of A. P. Upshur, to propagate calumnies, particularly to the injury of one whose brother had "by supplications" appeased his wrath: for, none can know the feelings of an *humble* supplicant, better than poor Mr. Clarke; (see Mr. Leigh and Mr. Hay's letters,) and more, those who know "Mr. Clarke," *should* know his feelings are very sensible, and that he has too much prudence to revive the discussion, in 1822, of a subject which had in 1819, given him so much pain, and wounded his feelings so deeply; (see Mr. Leigh and Hay's letters,) and as he says in his letter to the editor of the Enquirer, the affair has been settled some time since, "privately and *satisfactorily*," and concludes the same letter thus: "whether Doctr. Hendree was *guilty* or *in-*"*nocent*, and whether *I* was *mistaken*, or Mr. Pleasants was "mistaken, *is a matter of no sort of concern to me;*" with such feelings of innocence and indifference, as to the fact of the case, and with feelings of such distress as excited the sympathy of Mr. Leigh and Mr. Hay, who regretting the imputations under which his character laboured, were willing to believe, he was only mistaken. Will any man of common sense believe, that Frederick Clarke did in the year 1822, voluntarily write five pages on a subject, which was of "*no sort of concern*" to him, and of which his own conscience acquitted him of having sworn falsely? Would not the man who could believe under such circumstances, that he did write the paper in question, or was the least concerned in it, do him an act of great injustice? For would one, who did not feel a conscious guilt of "bearing false witness against his neighbor," voluntarily hold the attitude, to excite such a suspicion? But the very time the paper is certified to by the *notary*, and sworn to before the justice, to wit: the month of May last, at that very time, I was out of the State of Virginia, I believe in Philadelphia or New York, and on that very day, to wit; the 18th of May, my counsel was positively out of

the city of Richmond, and I believe in Norfolk;* and those who have any knowledge of legal proceedings, must know that Mr. Burwell, the notary public, is bound by his oath of office, to retain all depositions taken before him, in his own possession, until completed, then to be sealed and transmitted by him, to the clerk of that court, where they are to be filed as evidence; and those who know Mr. Burwell, *should* also know he is scrupulously exact in the performance of his duty, and never would have consented to so gross a violation, as that of suffering a deposition to go out of his possession, a sufficient length of time to send it to an adjoining county, to wit: the county of Chesterfield, and there to be qualified to before a justice, which could as easily have been done before him, whose duty it was to have it done in the presence of the parties. I state these things out of respect for Mr. Burwell, and the justice which is due him, who, it is fair to presume, never would, either *officially*, or privately certify to that, as a fact, which he did not know to be so, and in the case spoken of he could not have suffered the original to go out of his possession, to others than the clerk of the court: if he had, many alterations might have been made, which, from memory, he could not detect. But, what makes it still more bare-faced in A. P. Upshur, (as I shall, in another page, shew by the records,) the very suit it purports to be taken in, was not in existence, but was dismissed on the 22d April, and stood so throughout the whole month of May.

Here follows the certificate of Mr. Ames, which will do Frederick Clarke complete justice, and relieve him from the disagreeable situation he holds in Upshur's pamphlet, that of criminating himself.

"I do hereby certify that the deposition of Frederick Clarke, published in a pamphlet addressed to the citizens in Philadelphia, by Abel P. Upshur, Esq. page 41, is not filed in the suit of Dance, for the benefit of Drew, against John and George Hendree, depending in the superior court of chancery for the Richmond district.

6th August, 1822. B. AMES."†

* As to that particular fact, A. P. Upshur can speak with more certainty than myself; he has *cause* to recollect it, should he live to the years of Mathusalah.

† Was Mr. Ames's certificate confined to Virginia an explanation would be unnecessary. It is the business of Mr. Hening, (who is the clerk of the chancery court,) to certify officially to affirmatives only. Mr. Ames is the chief clerk in that office. I therefore made the request of him to state a negative fact individually, which he could not do officially.

To what stratagem has the creature resorted to sustain himself? What must be the feelings of Frederick Clarke, (should it reach his ear,) towards the individual who has thus dared to take such liberties with his name? To publish a paper purporting to be his deposition, wherein he is made to act, on the 18th May, 1822, in direct opposition to the declaration he made on the 5th February, 1819, in his letter to the editor of the Enquirer, declaring the fact of the case, to be "of no sort of concern to" him, and as an evidence of his indifference, he says he lost my receipt, which, if genuine, would not only prove me guilty, and Mr. Pleasants mistaken, but what he should desire above all things, that of his having sworn to the truth. Will it be believed, that any individual who *has* such independent feelings of indifference as is expressed, would give himself the trouble of writing a deposition of five pages, trying to criminate a man, as to whose guilt or innocence he is totally indifferent? Can A. P. Upshur ever expect forgiveness from Clarke, for an act of such cruelty and vile injustice? Can he read it without feelings of resentment? To bring forward a paper, (purporting to be his deposition,) in which every word he is made to say, sinks him deeper and deeper in his own folly, and all for what? To try and swear me guilty of forgery. If the paper was genuine, and then entitled to credit, it would not have the least bearing on what Abel P. Upshur, wants to establish; for he says, I called on him in Philadelphia, in the summer of 1821, and confessed my guilt. The question therefore, is *not* whether I am *guilty* or *innocent*; but whether or not, *I* made the *confession* to him. If I confessed the act, no other proof was necessary. It was idle to bring Clarke forward, to prove my guilt, unless he could prove at the same time my confession to Abel P. Upshur. But the fact is, A. P. Upshur felt so conscious, that no man in his common senses, would credit his tale, that he attempts to impose the paper in question, on the public as genuine, in support of his assertion. But if it were so, it is just as foreign from the point in question, as A. P. Upshur himself is, from a man of truth or honour.

"Man's inhumanity to man,
"Makes countless millions mourn."

Can it be possible, that A. P. Upshur believed this cheat attempted on the public would pass unnoticed? Was it his policy, by this invention to throw this controversy from his own shoulders on Frederick Clarke? Could he believe that

I would censure the testimony of Frederick Clarke sooner than expose the fraud ? Is it because Clarke was instrumental in leading him into error, in the prosecution against me, that he now desires to throw the censure attached to his conduct on Clarke ? Is it because Clarke refused to confirm on the 14th of January, what he had sworn to on the 7th same month ? Is it because Clarke on the 14th wished to adhere to the truth, though in violation of what he had said on the 7th, and by which he failed setting aside my testimony in the suit for Drew ? Is it because this failure affected his pecuniary concerns ? Is it, because the failure of that prosecution caused information to be lodged with him in his official capacity, against his particular friend Peyton Drew, and he having failed to prosecute, now stands inculpated with the violation of the oath of his office ? Is it I say, from these causes that he has thus made Clarke the victim of his resentment, and not of his policy ? Or, is it that A. P. Upshur, has become the guardian genius of the morals of society, and has thus determined to pursue him as though he had been guilty of perjury, until he shall exile him from the land of his fathers ? Will it be believed that in this enlightened age, among a people who boast of the purity of their morals and their laws, that there is one individual sufficiently infamous to pursue a course of persecution, unexampled and without an apology, against an unfortunate man, the extent of whose crime was only a mistake, and which only injured the purse of his pursuer ? Suppose the man was guilty of " bearing false witness" against his neighbour ; because the legal authority did not take cognizance of it, is A. P. Upshur to erect himself into both judge and executioner, and pursue him as though he was a convicted felon ? No earthly tribunal has a legal right to hold it up in judgment against him. The question of his guilt or innocence is between him and his God, whose sentence, whether pronounced in anger, or in mercy, is eternal ; and while on this earth, his own conscience must be his monitor, either of approval or punishment. Is the crime of that degree, which his conduct can never expiate ? Was there something peculiar in it, that Abel P. Upshur, who is as heartless as death, and as unforgiving as the grave, will reduce the man to his own level, and cause him to walk in vice and infamy ? Was it a case so peculiarly marked as to give to its features a melancholy distinction, that he is to be eternally damned to the society of this world ? But, if he is an honest man, and one who is " disposed to speak plainly," when on oath, and who abhors " an acute villain," he must be

invigorated by that hope, which points to an eternity hereafter, which will support him in his struggle against the rude stream which assaults on every side, and threatens to overwhelm him with disgrace and ignominy. But, what is the enormity of this crime, for which Abel P. Upshur, is determined Clarke shall never sufficiently atone, to be restored to his fellows in society? Simply, that of being mistaken on oath, and that so innocently committed, that when the imputation of perjury was thrown upon him, it so deeply wounded his feelings that his *humiliation* excited the sympathy of the very gentlemen, who, it was said, had charged him with the fact; and who, in a few words, did more towards redeeming him from the odium, with which he stood covered, than he would do towards redeeming himself, if he were to write a deposition of five pages long as to my guilt, regularly every day, until the day of eternal judgment.

The nature of this charge of the confession is such, that no positive proof can be introduced on either side; and although my giving it the negative, is amply sufficient to convince any man of the falsehood of that which rests on the authority of A. P. Upshur only; I am desirous that the public should rely on the assertion of the party, supported by the best circumstantial evidence; and, although Abel P. Upshur might persist in its truth, I can scarce think, that after his being publicly convicted by the best of proofs, of so many falsehoods, that he will ever presume to repeat the story of a confession to him. Is it possible he can reconcile it to himself to believe, I ever did confess to him to whom I "never was known;" who met me as a "perfect stranger," who "received me coolly," who "declined to receive" my hand, who believed me guilty when he prosecuted: confess to him, what all who heard, and were capable of judging, believed me innocent of, and what I had denied to my best friends; confess to him my having been guilty of a most ignominious offence, and this a voluntary act, and sought after by me, and without enjoining secrecy, (presuming he would not be treacherous?) If A. P. Upshur can possibly believe that such an occurrence ever took place, he will believe more than any man on earth; and until he shall convince the world that I am either an ideot or a fool, and contrary to every natural feeling of propriety sought my own disgrace, he must stand convicted of a falsehood, evidencing a vicious and depraved heart. But, as he does not design to "injure the miserable man so long as he is not offending," in christian spirit, he should have applied the maxim so familiar in his profession:

"whom God wishes to destroy, he first makes mad," and have disbelieved me, not only from the circumstance of my derangement, but he knew me to be "a man, without truth," and humanity called loudly on him, to doubt the truth of my assertion. Fellow-feeling for my mental derangement, forbade his repeating after me, that which was adding disgrace to one of the heaviest afflictions of providence; but there is a reason beyond all other considerations why he should have believed my confession not founded on truth.

I was adjudged innocent, by the only legal tribunal of my country, to whom an appeal could be made; consequently, my confession (if any I made,) and their declaration was at direct variance, and that should have caused him to doubt its truth. He was but the instrument of their will, and was both morally and politically bound to cause his opinion to acquiesce in their decision, which should be held sacred, and regarded as one of the principal head pearls, secured in the institutions of our country. But of all other men, he was religiously bound to believe and declare my innocence; he knew well the ground on which the prosecution was instituted, and the infamous character of the individual, with whom he had leagued to convict me, if possible, by fair, or by foul means; he knew well his habits of forswearing himself, whenever his own convenience required it, or the necessities of others justified a reward sufficient to purchase his oath, which was in market at the command of those, who thought proper to use it; and that the records of this city, shew innumerable instances of his forswearing. He therefore was bound at least to doubt the truth of my guilt, whatever I should say to the contrary; but he imagined what he desired, and retailed as a truth, the visions of a disturbed mind, and believed and disbelieved to suit his own convenience; and that he went to Philadelphia, with a determination of having me confess forgery, although he never should have seen me, I am as thoroughly convinced, as I am of never having done it; and I am equally certain that if John Rozel, Peyton Drew, Frederick Clarke and A. P. Upshur, were to swear from this, until the day of resurrection, they never will convince the public, that I am either guilty, or ever confessed a forgery to A. P. Upshur, nor will all the swearing on this earth, of John Rozel and Frederick Clarke as to my guilt, ever change the nature of their oaths recorded in Heaven, nor blot it from the book of life.

In entering on the subject of the arrangement made with my creditors, it will be unnecessary to recapitulate the causes which led to the necessity; nor again mention the propositions which were offered by me and accepted by them, all of which are sufficiently detailed in my former pamphlet, page 17; but shall in the course of this shewing, add proof upon proof in confirmation of what is therein contained. It is proper for me to shew here, who were the agents of the creditors, and with whom I had to negociate as their representative. Messrs. Parkhills, Dunlop & Copland, were the chosen agents of the creditors. Mr. Nathaniel Dunlop being the acting partner of that firm, had the direction and management of the whole business, as will be seen by his answer to the suit, instituted by the creditors in the chancery court, in which Messrs. Parkhills, Dunlop & Copland are made defendants. Mr. Dunlop in his answer to that bill, makes the following declaration: "Nathaniel Dunlop, one of the said late firm of "Parkhills, Dunlop & Copland, saith, that the agreement be- "tween John Hendree and Parkhills, Dunlop & Copland, in "relation to the sale of Hendree's goods, was on the part of "Parkhills, Dunlop & Copland, made by this defendant;" (that is, by Mr. Dunlop himself, who is the defendant.) This is only introduced to shew who the agents were, as the term will of necessity be frequently used in the course of this expose. By introducing the commissioner's report, I shall shew amongst other important facts the ground on which the creditors have instituted the suit, and against whom, ostensibly. It will be perceived by what follows, that the commissioner speaks of "the foregoing order of court" which I omit to publish, being drawn in the usual form required by law, is made lengthy, but is in substance nothing more than directing the commissioner to summon the parties, plaintiffs and the defendants, Parkhills, Dunlop & Copland, and George Hendree and John Hendree, before him, to state what they know, and to exhibit their claims and produce their vouchers in support of them, which he is directed to examine, settle and report accordingly, and it has not the slightest bearing on what is before the public:

"*Commissioner's office,*
Richmond, July 6th, 1822.

"Pursuant to the foregoing order of the court, and at the instance of P. N. Nicholas, Esq. of counsel, with plaintiffs; notices were issued on the 7th July, 1821, requiring the attendance of the parties at this office, on the 18th of October, then following; which notices were returned duly served, on

the day set. The plaintiff M. Price and P. N. Nicholas, Esq. of counsel with, and agent for the plaintiffs, and the defendants John Hendree and George Hendree, only attended. The defendant George Hendree, filed a copy of the bond of Parkhills, Dunlop & Copland to him, and the accounts were considered commenced; and for the accommodation of P. N. Nicholas, Esq. of counsel with plaintiffs, were continued till the fifteenth day of the same month, on which day the defendant John Hendree alone attended, and frequently afterwards, called to express his readiness to give such information as he possessed, but owing to the continued absence of all the other parties, (with the exception of the plaintiff M. Price, who has occasionally called, to ask whether any progress was made,) have never since attended. Your commissioner has not been able to resume the accounts, and is now required by the said defendant John Hendree, to specially report the foregoing statement of facts; and also, specially to report the following remarks, handed in by the said defendant, viz."

Before I proceed any further with the commissioner's report, I beg to call the attention to that part, wherein he says, that *I* not only diligently attended in obedience to the summons, but have expressed *my* readiness to be at his office whenever necessary. It is impossible for me to compel others to attend, nor is it my business; it is sufficient for me, to comply with the order so far as I am concerned, and no more can either be expected or required, indeed I can do no more, however great my desire may be to bring it to an issue.

I will now proceed to shew, the nature of the bill and documents accompanying it, which are filed in the court, and see how far A. P. Upshur is borne out by truth, in what he states:

"The bill filed in the superior court of chancery, for the Richmond district, by Thos. Sergeant, Mortimer & Hook, G. W. Skellorne, Tweedy & Benedict, Abraham Bell and Robert H. Bowen, formerly trading under the firm of Bell & Bowen, William & Abraham R. Luyster, Benjamin Looker, Stephen Dando, John Bowen, Henry Fisher, W. & H. Chester, Thos. & I. F. Lawrence & Co. and Abraham Knapp, citizens and residents of the State of New York, and Luther Goble of New Jersey, former creditors of John Hendree, is a suit instituted by said creditors, against Parkhills, Dunlop & Copland, for the purpose of recovering the proceeds of the effects assigned to them by John Hendree, for the benefit of the said creditors; and John Hendree is made a party to the said suit, for the purpose of shewing the origin and existence

of the debts due from him to the parties therein concerned, and by reference to document marked A, filed by said creditors, which document is the exhibit of the property surrendered by John Hendree to Parkhills, Dunlop & Copland, the agents of the creditors, and the original of which is authenticated by Parkhills, Dunlop & Copland in the words following: "Inventory of stock in trade of John Hendree, taken 2nd June, 1817, and assigned to us;" in the body of which, every article of merchandize is specified, and at the bottom the sum total amount $25,700, to which is added on the "14th of June, 155 kegs manufactured tobacco $4,014 74." An acceptance of an auctioneer in Lynchburg, for the proceeds of the sale of merchandize in his possession belonging to John Hendree, supposed to be about $700; sum total $30,414 17, to pay debts amounting to about $38,000. The inventory of John Hendree's stock, was taken by order, and under the immediate direction of Nathaniel Dunlop, one of the partners of the firm of Parkhills, Dunlop & Copland (the agents of the creditors,) and the same who acknowledged receiving said merchandize from John Hendree by affixing the name of said firm of Parkhills, Dunlop & Copland, to the aforementioned document.

H. BAKER, M. C.

Comm'rs fee two dolls. paid by deft. John Hendree.

A Copy—Teste,

WM. W. HENING, C. C."

Compare the foregoing statement of the substance of the bill in chancery with the one which appears under the signatures of J. R. Potter, H. C. Doswell, E. S. Seabrooke and P. P. Mayo, in A. P. Upshur's pamphlet, page 20, and see what an imposition is attempted. Their certificate is worded in so ingenious a manner, as to produce an impression on the mind, totally different from the true spirit and meaning of the bill. This, A. P. Upshur well knew would be its effect, and it is what he intended. If he wished an impartial statement of the substance of the bill given to the public, supported by four names, why did he not call on gentlemen, whose legal acquirements qualified them to examine and state for themselves the facts to which they were to subscribe, and whose certificate would be entitled to credit? Will A. P. Upshur dare to say that the above is not substantially, both the object and contents of the bill and documents filed in the suit? No; he surely will not have the hardihood to sacrifice his professional judgment, although he has long since offered up his

integrity at the altar of falsehood. From the style in which he has introduced their certificate in his pamphlet, every reader (except those who know them,) would infer it to be from the pen of the most profound in equity, made after a deliberate investigation, and founded upon truths and facts beyond the possibility of contradiction; nay, even the chancellor himself would scarce have made a more laconic condensation; but, on what authority does it rest? Lo; and we find three of them to be his dependants, the other his student, and who have not yet matured the age to know right from wrong. I have not a doubt but it was couched in his own words, and they feeling every disposition to throw in their mite to redeem his fallen character, were not fastidious as to the course, believing that his feelings towards them (however important their certificate might be) would not suffer him to expose them to animadversion, and in the spirit of humility subscribed to what he dictated. Abel P. Upshur knows, and all who know them know, that they are no better qualified to judge of the merits of a chancery suit, than *he is to oppose with success the truth of the existence of the Deity.* The peculiar situation in which three of them stood to him, should have forbid his using of them for his purposes; their inexperience must shield them from censure, and in charity let it be attributed to a greater zeal than prudence, particularly of young Seabrooke, (who is Upshur's student.) I take pleasure in saying that I am not willing to believe he would deliberately and wantonly violate any of the principles of truth, so strongly inculcated by his parents. "O shame! where is thy blush." Is A. P. Upshur regardless of the claims of those, who have confided to his care, their sons? How can he answer for his conduct in thus causing them to appear before the public in an attitude, which they are totally incompetent to sustain? Thus would he have put a stain on the fair name of those, who, for aught I know, have not as yet paid the debt of their apprenticeship, and who had scarce budded into existence, ere he would like the killing frost blast their beauty. Can it be possible after this disgraceful act, any man of respectability will associate with him? Necessity, will it be said, is his plea? There is a sanctuary in virtue and true friendship, to the violation of which our wants should never penetrate. If there was not, they would indeed be hollow names to suit the leisure of him who is disobedient to every law, both human and divine, and insensible to the claims of honour and generosity.

Having shewn by the documents in the suit, the amount of property assigned to Messrs. Parkhills, Dunlop & Copland,

for the benefit of the creditors, it now behoves me to shew in detail, what goods they offered for sale as my assignees ; and it is proper here to remark, that I put them in possession of the whole property on the 3d of June, 1817, which they retained until the 30th of the same month, (as will presently be shewn by depositions,) on which day, agreeable to their own declaration, they were to be sold by public auction :

"VALUABLE STOCK AT AUCTION.

On Monday, the 30th instant, will be sold, at the corner store next to the Merchants' Coffee House, a valuable assortment of dry goods and groceries, amounting to about $26,000. Among the dry goods, are about 40 pieces of the very best superfine broad cloths of every colour; 20 pieces of the very best cassimeres, most of which are blue; 180 pieces of elegant Irish linens; 11 do. of bed-tick; 5 cases of beaver hats; 2 do. worsted hose; 1 do. mens' fine shoes; carpeting, manchestry, &c. &c.

The groceries consisting of 160 boxes soap; 100 boxes candles; 23 bags green coffee; 9 hhd's 4th proof W. I. rum; 4 pipes Bordeaux claret; hhds. Muscovado sugar; 30 boxes pipes; 120 sacks salt, &c. &c. Also, 48 slope back fancy gilt chairs; 24 do. tortoise gilt do; 24 do. green sattin wood, cane seats; 36 ball back bamboo do; 84 fancy gilt do. cane seats.

The sale of the above groceries, will commence at 10 o'clock, and the dry goods at 12 o'clock. Terms 3, 6 and 9 months credit.

PARKHILLS, DUNLOP & COPLAND,

Assignees of John Hendree."

June 18*th*, 1817.

To the above add 155 kegs tobacco, $4014 74, and the goods at Lynchburg, $700, and then compare it with the statement made in the commissioner's report, and it will be perceived, that the agents make the property in amount, nearly equal to what I am charged with having represented it to be.

Philip Triplett & Co. instituted a suit against me expressly on the ground of a violation of contract, in consequence of which, a commission was issued from the district court, (where the suit was depending) directed to Robert Douthat Esq. appointing him a commissioner to receive and commit to writing, the answers of witnesses to such interrogatories, as were stated in the said commission ; and on the 9th day of August, 1820, he proceeded to comply with the

order of court. These depositions commence and end with all the legal forms; the commission, the interrogatories, the answers, the certificates and attestation of the commissioner, the seals of office &c. &c. I therefore deem it unnecessary, to give that which has no bearing on the point in question.

Philip Triplett and Christopher Neale, trading under the firm of Philip Triplett & Company, - Plaintiffs,

vs.

John Hendree, - - - - Defendant.

John P. Mason, being first duly sworn on the Holy Evangelists of his Almighty God, true answers to make to such interrogatories, as shall be put to him.

Interrogatory.—Do you know the parties above named, or either of them, and how long have you known them, or either, and which of them?

Answer.—I do know Philip Triplett, of the house of Philip Triplett & Co. but do not know Christopher Neale, as he does not reside in the city of Richmond. I have known Philip Triplett, previous to the year 1817: I have also known John Hendree, previous to that time, and was his clerk, from the time he commenced business, until his failure.

Interrogatory.—Are you, or are you not acquainted with the circumstances of the arrangement made between the defendant, and his creditors in the year 1817? Be pleased to examine the paper hereto annexed, purporting to be a copy of the original release signed by the said creditors, in favor of the defendant. Compare the said copy with the original, and say whether it be correct, and whether the signatures of the plaintiffs to the said original paper be true and genuine?

Answer.—I am acquainted with the circumstances of the arrangement, made between John Hendree and his creditors, on the 3rd June, 1817: and the annexed paper purporting to be a copy of the original release, signed by the creditors in favor of John Hendree, is to the best of my recollection a true and genuine copy of the original, which is now presented me, unimpaired from its original execution; and the signature of P. Triplett & Co. to the said original release, is to the best of my knowledge and belief, the hand-writing of P. Triplett of said company.

Interrogatory.—Did or did not, the defendant promptly and faithfully surrender to Parkhills, Dunlop & Copland, his property according to the terms of the release aforesaid? Was,

or was not, any thing withheld, concealed, or otherwise kept from the possession of the said assignees, which they were entitled to receive ?

Answer.—The defendant Hendree, did promptly and faithfully surrender all his property to Parkhills, Dunlop & Copland, agreeable to the before mentioned contract. I was the clerk that transacted all his business, and do not believe that any thing was withheld or concealed from the said creditors. The said Hendree gave up the keys of his store, at the same time that he made surrender. The property in the store was retained some time before the said Parkhills, Dunlop & Copland effected a sale.

JOHN P. MASON."

It will be perceived, that the *interrogatories* are precisely the same, in the following deposition ; and must so have been to any number of witnesses, as they were incorporated in the body of the commission.

" The deposition of John Kincaid, taken at the same place and under the same circumstances, being first duly sworn, &c. &c.

Interrogatory.—Do you know the parties above named, or either of them, and how long have you known them, or either, and which of them ?

Answer.—I do know Philip Triplett and Christopher Neale, trading under the firm of Philip Triplett & Co., and have known them previous to the year 1817. I have also been acquainted with John Hendree previous to the year 1817, to this time.

Interrogatory.—Are you, or are you not, acquainted with the circumstances of the arrangement made between the defendant and his creditors in the year 1817 ? Be pleased to examine the paper hereto annexed, purporting to be a copy of the original release, signed by the said creditors, in favour of the defendant ; compare the said copy with the original, and say whether it be correct, and whether the signatures of the plaintiffs to the said original paper be true and genuine ?

Answer.—I was clerk to Parkhills, Dunlop & Copland, when they were chosen agents for the creditors of John Hendree and his assigns ; and to the best of my knowledge, the arrangement made between John Hendree and his creditors, was, that he should assign to the said Parkhills, Dunlop & Copland, his goods, wares, merchandize, &c. &c. &c., a schedule of all his goods, wares and merchandize, agreeably to an inventory taken by myself, by order of the said Park-

hills, Dunlop & Copland, being exhibited, which property was surrendered to them, the agents of the creditors. and remained in their possession from about the 3d day of June, 1817, until about the latter part of said month, when it was sold; for which surrender the said creditors of John Hendree did, to the best of my knowledge and belief, sign a discharge. I have examined the annexed copy, which is a true copy of the original discharge, (or release.) I have examined the original release, and can certify that the signature of P. Triplett & Co. is written in the hand writing of Philip Triplett, one of the said company, whom I have often seen write.

Interrogatory.—Did or did not the defendant, promptly and faithfully surrender to Parkhills, Dunlop & Copland, his property according to the terms of the release aforesaid? Was or was not, any thing withheld, concealed, or otherwise kept from the possession of the said assignees, which they were entitled to receive?

Answer.—I do know, that the defendant did promptly and faithfully surrender the property, to the said Parkhills, Dunlop & Copland, agents of the creditors, agreeable to the terms of said release. Nor do I believe that any thing was withheld, concealed, or kept from the said agents' possession, to which they or the creditors were entitled.

JOHN KINCAID."

The suit in which the above depositions were taken, was dismissed on the 7th day of January, 1822.

The foregoing depositions, being a clear exposition of facts, made, first by the clerk of the party who had to surrender; and secondly, by the clerk of the party who had to receive; and the *very* man who actually took the inventory of the stock, by order of and under the immediate inspection of the agents; it is, therefore, impossible to introduce witnesses who either could or should know all the circumstances more correctly. Although, this is the testimony of men, who are most fit to give an impartial statement, being free from every thing like prejudice arising from an affected interest, and whose depositions were taken by authority of the court, and have been deposited in its archives, full two years and more; yet with all this, I was not disposed to let my defence rest here, being conscious of an honorable acquittal, if honest and impartial testimony could be had of John O. Lay and Philip Triplett, the two creditors who volunteered to impeach me, and shall presently shew how far I have succeeded.

In the arrangement made with the creditors, it was agreed

that the sum of $ 4,970 94, should be allowed to pay my confidential debts. Now mark! Philip Triplett and John O. Lay, are made to say in A. P. Upshur's pamphlet, page 19, when speaking of the amount of my property, these words, "*of which John Hendree has himself received,* $ 5,018 04." By their assertion, it would be inferred that I had possessed myself of that amount of the funds; but A. P. Upshur makes application to the agents, from whom he gets the truth, and in page 23. speaking of the amount of my confidential debts, being $ 4,970 94, he says "this sum John Hendree himself received, *for the purpose of paying those confidential debts.*" I do not call the attention to the difference in the amount said to have been received by me, but to the *manner* in which persons of the same party express the *same thing.* While A. P. Upshur's statement (which is made on the authority of the agents) shew in a clear point of view, the fact of the case, Philip Triplett and John O. Lay, in their zeal to injure me, and serve their friend, are not content with stating what is incorrect, as respects the amount received, but most artfully give an entire different impression as to the purposes for which the sum was received.

I give this as an evidence of their candour, in doing that of which they knew the reverse was the fact, and to shew with what slight temptation they deviate from the truth. Consequently, when they are biassed by strong interest, no reliance *ought* to be placed in their assertions, and particularly when contradicted by men who are above misrepresentation.

The following is a statement in detail, of the manner in which the sum of $ 4,970 94, was disposed of, which sum was, by special agreement, allowed by the creditors to pay my confidential debts:

To Moncure, Robinson & Pleasants, - -	$ 290 64
To John O. Lay & Co. - - - -	385 95
To George Hendree who accepted my draft in favor of Charles Warfield of Baltimore, - -	882 68
	1559 27
60 days interest, - - - - -	15 59
	1574 86

Parkhills, Dunlop & Copland, made their note payable to me at 60 days for the above amount, $ 1574 86, that if necessary it might be discounted to meet the demands when required.

Amount brought forward,	$ 1574 86
Parkhills, Dunlop & Copland's note paid to Cornelius R. Duffie of New York, payable at 120 days, for - - -	1961 90
Parkhills, Dunlop & Copland's note at 120 days, paid P. Triplett & Co. for - - -	106 92
Do. do. do. 120 days paid A. & J. Otis, for - - -	178 77
Parkhills, Dunlop & Copland's note at 120 days, which sum was finally paid to Saml. G. Adams, Esq. as agent for a house in New York, - - -	171 70
There were a number of small debts to be paid, which were specified at the time, amounting to	976 79
	$ 4970 94

Which last mentioned sum of $ 976 79, Parkhills, Dunlop and Copland enabled me to settle by giving, as well as I now recollect, a portion of it in cash, a part in a check payable at a subsequent period, and a note for the balance. It is sufficient for the reader to know that they so arranged it as to answer the intended object. As Mr. Warfield resides in Baltimore, I publish his certificate to shew that my brother received that sum expressly to pay him :

" On or about the 25th October, 1816, Mr. John Hendree purchased of me sundry merchandize amounting to $ 882 68, for which he gave me a draft on Mr. George Hendree of Richmond, payable the first day of July following ; the draft was accepted and paid at maturity. The above facts are stated at the request of Mr. John Hendree.

CHARLES WARFIELD, *Baltimore.*"

As Mr. Cornelius R. Duffie resides in New York, I believe I can refer to Messrs. Asa & Joseph Otis of this place, who will (as well as the note if produced) confirm the fact as to him. The others reside in this city ; consequently can be applied to for confirmation, if necessary.

The above is the only money ever paid out of the assignment by Messrs. Parkhills, Dunlop & Copland to my knowledge ; what John O. Lay and Philip Triplett say, to the contrary notwithstanding ; and for a confirmation of the fact, I appeal to the agents to exhibit my receipt which they hold, for all the money ever paid out of the proceeds of the effects by my direction. It is now clearly shewn, that my brother never received one cent from the agents further than as my security or acceptor, which sum, when he received it, was

forthwith paid to those to whom it was due. At the time I assigned my goods, merchandize, &c. &c. to Messrs. Parkhills, Dunlop & Copland, as the agents of the creditors, which was on the 3rd day of June, 1817, I was indebted to Mr. George Hendree, and for the security of that debt, I had *previously* conveyed to him a parcel of tobacco then lying in the city of New York; this fact Mr. Dunlop was apprised of, and proposed giving the bond of Parkhills, Dunlop & Copland, (of which firm he was a partner) payable at 6 months for the nett amount of Mr. Hendree's claim against me, and received from him (Mr. Hendree,) a conveyance of the tobacco, or its proceeds. This arrangement was agreed on by the parties, and to shew the fact I will introduce a passage from Mr. Dunlop's answer filed in the suit in Chancery, to which he is a defendant. When speaking of the bond and the arrangement between himself and Mr. Hendree, he says "this "defendant at the time he executed the obligation to George "Hendree, believed that the tobacco would produce a greater "sum than $ 5,398 42." It is at once perceived Mr. Dunlop was influenced by a wish as the agent, to get in his possession the surplus. I will now in a few words sum up the whole arrangement between the creditors and myself. I offered security or the surrender of my property; the latter was accepted, (see page 19 of my first pamphlet.) Messrs. Parkhills, Dunlop & Copland were appointed the agents, and on the 2nd day of June, 1817, took an inventory of the stock, (see commissioner's report page 47, and Mason and Kincaid's depositions page 52,) and on the 3rd received the whole property agreeable to that inventory, and gave their acceptances to the creditors, and mine were cancelled. The confidential sum of $ 4,970 94, was paid and disposed of agreeable to contract. I was released from every claim, and from that time to this, I have neither had a right nor have I ever attempted to exercise any controul over the agents or the assigned effects.

Presuming as I very correctly should, that every honest man who voluntarily engaged in a controversy, (in which he was not in the least implicated) to the injury of another, would for the salvation of his own credit give the injured party an opportunity of a cross examination if required; and as there was no legal mode by which I could bring the parties, who had so committed themselves before a notary, I addressed the following note to them:

"*Mr. John O. Lay.* You are in possession of *facts* which are important to me; I therefore request of you to appear at the

office of Herbert A. Claiborne, Esq. Notary Public, in this city, between the hours of twelve and one o'clock this day, to answer on *oath* such interrogatories as I shall put to you.

JOHN HENDREE."

Richmond, July 13th, 1822.

"I do hereby certify that the above is a true copy of the original notice which I delivered to Mr. John O. Lay, on the morning of the thirteenth instant, who refused to *attend.* I also certify that I delivered to Mr. Philip Triplett, on the morning of the fifteenth instant, a copy of a similar notice directed to him, and dated on that day, and that he refused very positively at first to attend, but afterwards suggested that he probably might, but he *did not attend.*

HERBERT A. CLAIBORNE,
Not. Pub. for the city of Richmond."

Richmond, 17th July, 1822.

What is the inference to be drawn from such conduct? Why fear to give that manly disclosure of facts, which distinguishes a firm and independent mind, and which neither the fear of offending, nor the hope of pleasing any party, can prevent from exculpating or criminating according to truth and justice? The conclusion is irresistible, that both John O. Lay and Philip Triplett are in possession of facts, which, if disclosed, will corroborate the testimony I have brought forward, to remove every charge of improper conduct alledged to me; and which they are induced by A. P. Upshur (who holds over them, an undue influence,) to withhold. I knew well the certificate which A. P. Upshur has published of theirs, page 18, was substantially untrue, and they tacitly admit the fact, in refusing to give it confirmation, by their oaths. If they would state the truth, the whole truth, and nothing but the truth, they must confirm, not only what Mr. Budlong, (who is far above an untruth, or servile feeling towards any man,) has stated, in my former pamphlet, page 19, and who was one of the creditors; but, also, every circumstance therein detailed, in relation to the arrangement, as well as what is stated in this. They have suffered themselves to be seduced into an act, upon a review of which, they must recoil, at seeing the situation in which it places them before the community in which they live; and indeed, so sensible of it was A. P. Upshur, that, after his ends are answered, he is the first to waive towards them the courtesy due from one man to

another; nay, even less respectful than he is towards his friend "*Mr.* Drew," (see his pamphlet, p. 48.) However the opinion heretofore entertained by others, as well as myself, may have inclined favourably towards Philip Triplett, his conduct, in this instance, has not tended to strengthen it; but, on the contrary, it not only shews a want of self-respect in the manner in which he has coupled himself in the certificate, but has involved his character in mist and doubt.

Next comes the letter of Goble & Thomas. It is true, Luther Goble of *New Jersey*, is incorporated in the bill in chancery as one of the creditors, but no such firm as Goble and Thomas of *Newark*. On perusal of the letter purporting to be from them, I discovered that they wrote (if they wrote at all) under an improper impression arising from the communication of Silas Hayes; for, it will be perceived they acknowledged the receipt of a letter from him on that subject. It was intimated to me by those who had conversation with Abel P. Upshur's friends on the subject, that every thing relative to the appearance of that letter before the public was not correct, and indeed the character of the individual to whom it purports to be directed, was sufficient to excite such a suspicion. I therefore determined, if possible, to put Hayes on his oath, and I addressed the following note to him:

"*Mr. Silas Hayes,*

I wish to make an enquiry of you relative to the *correspondence between yourself and Goble & Thomas of Newark, relating to me.* I therefore request of you to appear at the office of John L. Newby, esq. Notary Public, in this city, between the hours of 12 and 1 o'clock to morrow, to answer on *oath* such interrogatories as I shall put to you.

JOHN HENDREE."

Richmond, 19th July, 1822.

"*City of Richmond, to wit:*

Be it remembered, that I John L. Newby, Notary Public of the city of Richmond, delivered to Silas Hayes of the said city, a copy of the within notice; whereupon the said Hayes positively refused to attend as therein requested.—— Given under my hand this 20th day of July, 1822.

JOHN L. NEWBY, *Not. Pub.*"

I was careful to specify the object of my calling him before the notary, as it never was, nor never shall be, my wish to have any man forswear himself. I preferred, therefore, letting him know my intention before he was put on his oath; and if he could then, in truth, substantiate what appeared in

A. P. Upshur's pamphlet, with his name, he would attend; if he could not, he would decline it; the latter of which he has chosen, for which I commend him; but I do condemn him for suffering himself to be made the cat's-paw of any man. Who can believe that Goble & Thomas would descend to such vulgar language, or be the authors of so ungentlemanly a letter as the one spoken of? Before I can credit it, higher authority than Silas Hayes, or A. P. Upshur, must vouch for its truth. I deem it very unnecessary to animadvert more on the conduct of John O. Lay, Philip Triplett, or Silas Hayes, at this stage of the business, having occasion, as I shall presently shew, by the declaration of their *best friends*, to what *extent* they are entitled to *credit*, on *oath*. It would be idle for me, here, to speak further of their certificates. I had intended to introduce, from the records of the state, evidence to invalidate some of the parties above named; but it is not essential to my defence, and I feel no disposition to bring forward testimony to their injury, when for my purposes, by their own conduct and shewing they are sufficiently criminated.

Can it be possible to conceive a character more despicable than one who will, to the injury of a man, persist in a charge which *he knows* to be false, and in support of his assertion, will descend to every trick to procure and palm on the public as respectable, the testimony of those, who, from youth or imbecility, are incompetent "to uphold truth and fair dealing" against the machinations of a fellow whose fort is low cunning.

In the 12th page of A. P. Upsher's pamphlet, after speaking of the result of the suit at common law being against his client, he says, "a rumour had also prevailed, that John "Hendree was not purely white; and as a negro, cannot, by "the laws of Virginia, give testimony in any cause to which "a white man is party. Mr. Drew, early in January* "last, filed an amended bill, charging this fact also; which, "if proved, would destroy the *competency* of Jno. Hendree as a "witness, and entitle him, (Mr. Drew,) to the new trial which "he asked. The subject was in this manner brought before "the public, and became the subject of general conversation, "*and the certificate above mentioned, was obtained solely to re-*"*move this imputation;* it was published, among others, by

* The bill was filed in October, and not in January, which A. P. Upshur well knew. This false statement is intended to induce a belief that he had as "promptly" retracted as his friend Drew, with whom and his counsel the story originated.

" George Hendree in the Mercantile Advertiser of the 19th " January last, and in the Compiler of the 17th of the same " month. Mr. Drew was convinced before these publica- " tions, that this charge against the Hendrees could not be " sustained, and very promptly retracted it. It never was " countenanced by myself, which both John and George Hen- " dree well knew."

Had A. P. Upshur, in bringing this subject again before the public, given a fair explanation and confined himself to truth, I most certainly should have allowed it to pass without further notice; but, to conceal his cloven foot, he has descended, as usual, to falsehood, thereby concealing facts from those who before had heard nothing of it. The suit at common law, instituted by Harrison Dance for the benefit of Peyton Drew, and conducted by A. P. Upshur, *as counsel for Drew*, and *not for Dance*, having been decided against him, he, Drew, instituted a suit in chancery,* for the purpose of setting aside my testimony; and in the month of *October last*, he, Drew, filed a bill in the name of H. Dance, against my brother and myself, charging me with being a man of colour, (this is the same Drew, who, on the 26th day of July, 1817, forswore himself.) That I might more effectually rebut the charge, I traced my ancestors to a distant date, and procured documents, duly authenticated by public functionaries, establishing the fact that my grand father and grand mother, both by my father and my mother's side were natives of the city of Zuric, in Switzerland, and emigrated to this country many years before the revolution.

I also proceeded to Portsmouth, my native place, and the residence of my parents for near forty years, when I caused to be taken the depositions of ten ladies and fourteen gentlemen, among the oldest and most respectable inhabitants in the county, proving it to be without the shadow of truth. It is true, after these depositions were filed, together with many others, all of which went to shew that the "rumour" originated solely with Drew and his counsel, he, Drew, did, on the 5th of January, 1822, retract the charge by making oath before a magistrate of this city that it was false; both Drew and his counsel perfectly well knew before the charge was made that it could not be sustained, and that it was a diaboli-

* In chancery suits, all testimony is by deposition, which may be taken in any section of the country; and both Drew and his counsel were aware that they would be most likely to get their ends answered in that way, by testimony which truth would not uphold before a court where it was delivered orally.

cal invention of their own, for the purpose of extorting money from my brother under pretence of a claim ; thus covering murder with the mantle of the law. Dance in whose name the suit was instituted for the benefit of Peyton Drew,* declares he did not believe it at the time, as his certificate handed to my brother after the charge was made, will shew.

RICHMOND, January 2nd, 1822.

The bill filed in the court of chancery in my name for the benefit of Peyton Drew ; I here state, that I believe the scurilous charges made in that bill as to colour, to be false. The said bill would not have been filed with these charges contained therein by my consent. I objected to the filing the said bill for several months, under the belief that the said charges were not correct ; but at length was advised to do it by Mr. McRae the counsel, and Mr. Drew, for whose benefit the said suit was brought.

H. DANCE.†

It is of my own accord that I have given the above certificate.

H. D.

That, together with a mass of other testimony, was published in the "Richmond Commercial Compiler" of the *7th of January* last, shewing the fact that it originated with Drew and his counsel. On the 18th of the same month, Drew appeared in the same paper, and on his oath he both recanted the charge and gave up lieut. Walter G. Anderson, of the United States Navy, as the authority on which he made it.‡ The Lieutenant soon after replied through the same channel, and denying most positively the truth of Drew's assertion, concludes his answer with these words :

* I have but little doubt, but what before a court of justice, I shall be able to establish the fact, that the larger portion of whatever sum should be recovered from my brother, was by special agreement made with Drew, to be appropriated to the liquidating of a debt due from him to Upshur.

† Dance has since assured me that Peyton Drew, and his counsel have both confessed to him, the only object they had was, under that pretence, to force money from Mr. Hendree.

‡ Lieut. Anderson assured me when in Norfolk last, that an explanation had taken place between himself and the parties, when the latter confessed having done him great injustice by saying he was the author. The lieutenant also assured me that they had no authority whatever, and stated the necessity, which compelled them to pursue that course to extort money from Mr. George Hendree, was of too delicate a nature to make public.

" I did by the request of McRae and Drew make enquiry " relative to Doct. Hendree's family, and never heard any " person who knew them speak otherwise than in the most " respectful terms ; all of which McRae and Drew knew " well, as the certificates herewith published will shew.* " Had I known McRae and Drew were the abandoned wretch- " es they have proved to be, I most certainly would not have " noticed them when they were here. I do most solemnly de- " clare, that Peyton Drew has sworn to a base and malicous " falsehood, as far as relates to any thing he says I told him " injurious to the Messrs. Hendrees or their parents.

WALTER G. ANDERSON,
Lieut. U. S. Navy."

Norfolk County, January 31*st*, 1822.

A. P. Upshur, when speaking of the certificate of judges Marshall and Brockenbrough, and Messrs. Leigh and Wickham, says, " and the certificate above mentioned, was ob- " tained solely to remove this imputation. It was published " among others, by George Hendree, in the ' Mercantile " Advertiser,' of the 19th January last, and in the ' *Compiler*' " of the 17*th* of the same month." The documents relating to the origin of my grand father and grand mother being too long for an ordinary publication, were, as I expressly stated in my former pamphlet, submitted to those gentlemen by *my brother*, that he might obtain the substance of them in a more condensed form. What a glaring and contemptible perversion of that passage in my pamphlet to which he alludes ! I originally had no intention of introducing it in my publication ; but, before it was ready for press, information which I received from Philadelphia, (from a source which will not be used,) induced me to believe that something of the kind had been spoken of ; but, not being possessed of any positive proof on the subject, I could not lay the charge at his door. I therefore wrote to each of those gentlemen, explaining the necessity of its publication : that, if the report did exist in Philadelphia, these certificates would at once prove it false ; and I shall presently shew that the report did exist there, and by whom it was circulated. Upshur says " it was published " among others, in the Mercantile Advertiser of the 19th " January last, and in the *Compiler of the* 17*th* of the same

* Many certificates were published by the lieutenant, in support of his assertion.

" month." I called on Mr. Cary, one of the editors of the Compiler, whose certificate will shew Upshur's assertion to be false :

" The certificate of judges Marshall and Brockenbrough, and Messrs. J. Wickham and B. W. Leigh, in relation to the ancestors of Mr. George Hendree, was, together with other documents, published by Mr. Hendree in the *Compiler* of the *7th* January last, but *nothing* of the kind appeared in the *Compiler* of the 17*th* of that month.

TRUEHEART, CARY & CO."

Compiler office, July 1*st*, 1822.

I wish the reader to bear in mind, that " nothing of the kind appeared " in the Compiler of the 17*th* of that month ;" the misrepresentation of the date, changing it from the 7th to the 17th, is in itself unimportant ; but if I shew, before I conclude this subject, how material it was for him to elude detection, by the ordinary reader ; that not only the usual order of arranging dates should be reversed by placing the 19th before the 17th, and that of the *Compiler* made the 17*th* of the month, instead of 7th ; it will then be admitted that it was on oversight, nor a typographical error, but *intentionally* and *designedly* done to conceal a falsehood, which his *own* letter shall prove.

A. P. Upshur says, " Mr. Drew was convinced *before* these " publications, that this charge against the Hendrees, could " not be sustained, and very promptly retracted it. *It never* " *was countenanced by myself*, which both John and George " Hendree well knew." He denies that he ever countenanced the charge. I pledge myself to prove, that he not only countenanced the charge, but that his conduct was not as honorable as Drew's in recanting, and that he even went *further* than ever Drew did in his assertions, to induce others to give it credit. The first step is, to shew that he was counsel in this identical suit, and *that too* at the *very* time the charge was made.

The following letter was addressed to Wm. W. Hening Esq. clerk of the chancery court, enclosing the amended bill charging me with being a coloured man :

" Sir—You are hereby requested to file our amended bill in our suit against George and John Hendree, and to mark

for us, as our counsel, Messrs. Alexander McRae, ———* and A. P. Upshur.

Respectfully, &c.

H. DANCE.
PEYTON DREW."

I do not intend to implicate him in consequence of his being counsel, but by his conduct, not only subsequent to the filing of the bill, but prior, by which I mean to make his guilt manifest. The charge was made in the latter part of October, 1821; about the 10th of November following, I proceeded to Portsmouth to get such proofs as were necessary to rebut it. Scarce had I left Richmond for the purpose, before Upshur, Drew's counsel, understood the object of my going to Portsmouth and followed me.

"I do hereby certify, that Mr. Upshur went passenger *from* Richmond to Norfolk,† in the Steam Boat Powhatan, on the 14th November, 1821.

D. W. CROCKER, Captain."

I had understood in this city that Upshur had taken an active part in bringing forward the charge, but that he kept himself behind the curtain, and indeed at *that time* I was not willing to believe him so thoroughly a scoundrel. He remained in Norfolk about five days, during which time he found it quite out of the question, that of getting any respectable person who knew my parents to say that a suspicion of the kind ever existed. There being no chance of his success he determined to return to Richmond, and send to Norfolk with his client (if to be procured) one more expert at bribery to effect his object:

"I do hereby certify that Mr. A. P. Upshur was a passenger *from* Norfolk *to* Richmond on board the Steam Boat Richmond, on the 20th November, 1821, and on the *very* next day the 21st of November, by the *return* of the same boat *to*

* The counsel whose name I have omitted, is that of a gentleman whose standing in society forbids my insulting him so grossly as I should, in allowing his name to be coupled with A. P. Upshur's in any fact I bring before the public. Were I to do so, it would revive the recollection of the mode in which our Saviour was crucified by placing him between *the two*.

† The town of Portsmouth and the Borough of Norfolk are in Norfolk county, and distant about half a mile. The communication between the two places is kept up with great facility by means of Team Boats, which pass and repass every five or ten minutes.

Norfolk, Messrs. Alexander McRae and Peyton Drew, went down as passengers.*

WM. COFFIN, Captain."

My introducing the following certificate of Mr. Butt, is to shew that Drew without ceremony coupled the name of Upshur with himself; a liberty, he would not have taken unless authorised or warranted by the friendship existing between them, and this too at the very time the unfortunate Mallony was bribed:

"I am authorised to say on the authority of a branch of my family in whom I have the most perfect confidence, that some time last fall when Peyton Drew was in this town making efforts to get testimony that Doct. Hendree was a coloured man, he did, in conversation, couple Mr. Upshur with himself; but how far Mr. Upshur was interested, was not understood.

JAMES B. BUTT."

Portsmouth, June 26th, 1822.

"I certify that the above named James B. Butt, is a man of good character and strict integrity. Given under my hand this 27th June, 1822.

ARTHUR EMMERSON."

It may be said that this is but circumstantial proof, and is not sufficient to convict him of being directly concerned in so diabolical an act. Such reasoning is fair, but those circumstances occurring at the *very* moment when rumours were afloat, implicating Upshur with a direct agency in the business, will be sufficient to convince those of the inhabitants of Portsmouth, Norfolk and Richmond, who are acquainted with these rumours, of his guilt. It may be said that he was spoken of freely, because he was counsel in the cause, and business distinct from that, carried him to Norfolk at that time. Such may be possible, but not probable; nor do I mean to let the fact of his guilt rest on these proofs alone; but, if he stated the object of his visit to Norfolk at that time, was not connected with what I charge him, he tells an untruth, as I shall shew by proofs positive.

*It was at this time that Drew and his counsel did seduce and bribe one Wm. Mallony, an unfortunate convict from one of the garrisons, to swear falsely, which has been proved on him, as will appear by the depositions published in the Compiler of the 7th of January last.

In the month of April, (some days after my pamphlet had appeared,) I received a letter from Mr. George Campbell of Philadelphia, who when speaking of the contents of a letter he had received from A. P. Upshur, in January last, he says that Mr. Upshur did "inform me, that he was satisfied that "the *reports* relative to your being a married man, and to "*another matter* were unfounded"

Immediately on my arrival in Philadelphia, I called Mr. Campbell's attention to these words "*another matter*," and told him, I did not know to what he had allusion; he replied by assuring me, he had been under the impression he made the communication to me, and thought I had omitted to notice it. I desired him to state in writing, what had been communicated to him by A. P. Upshur, which he did at the bottom of the letter thus:

"The "other matter" alluded to above, was that Doctr. "Hendree had been *refused* as a witness in court, on the al- "ledged ground of his being a coloured man; and was com- "municated to me by Mr. Upshur, at the time he made the "other communications, stated in my letter of the 22nd Sep- "tember, 1821, of which I had until then, known nothing.

GEO. CAMPBELL."

Philadelphia, May 1*st*, 1822.

Heavens above! what a matchless liar. Not content with stating, what as he says originated with his client, but must go farther by saying it had received confirmation by a court of justice! When and where has any thing ever occurred to give the semblance of truth to his assertion? I defy him or any man on earth, to say that even an *objection* was ever offered to my testimony before a court, under *any* circumstances. I defy him to say, that there is an individual on earth, who has ever thought of attempting such a thing, except his client, who is a perjured man. I defy him to say, I ever gave testimony in any case, except the one spoken of against his client; he cannot shield himself by saying he was misinformed, for he professes to know nothing of me but what occurred in Richmond where he resided long ere I did. What must be the feelings of an honourable man, towards a wretch, who can deliberately state a falsehood of that enormity, for which there is no apology, and for which there is no language adequate to depict the baseness of the crime! Will any man question the truth of Mr. Campbell's statement, when A. P. Upshur the monster whom it criminates with

falsehood, near two months after the communication is made to me, in the 10th page of his pamphlet, speaks of him in the following terms: "I do not mention these things, however, "with any view to inculpate Mr. Campbell; his character for "probity, is perfectly well established, and perfectly well known "to me; it places him very far above the suspicion of intention-"al misrepresentation under any circumstances whatsoever." It will now be said, that Mr. Campbell was not authorised to make this communication by his letter of the 19th of September, 1821; but will it be said, that he was not authorised by the verbal communication made to him by A. P. Upshur previous? No, that cannot be; for Mr. Campbell did not give me the information, until the 1st May, near four months after he received the original letter, of which, the *following* is a *true copy*, as sworn to by Mr. Campbell:

RICHMOND, JAN. 14th, 1822.

DEAR SIR,

Adverting to the contents of my letter to you, relative to Doct. Hendree, in which, at your request, I repeated the substance of our conversations on that subject, I think I mentioned a rumour that Doct. H. was, or had been married; and also, that suspicions were entertained, by some, that he was not purely a white man. I mentioned these, however, as rumours, which I could not trace, and to which I could not undertake to say that any respect ought to be attached. Doct. H. has taken great pains, since his return to Virginia, to collect and lay before me, evidence to remove these suspicions; and a recent visit to the neighbourhood of his place of nativity, has enabled me, personally, to satisfy myself farther on the subject. I am now convinced, that in *these respects*, he has been injured: Not by me, who stated only that which was matter of public rumour, but by those who originated that rumour. I am now convinced, that there is no reason to attach to him any reproach on the score of any previous marriage; and I am equally certain, that his blood is free from the stain imputed to it. I have seen certificates from very respectable men, stating, that his parents were certainly white, and that they held a very respectable station in the world: some of them, also, speak favourably of the doctor himself, during his residence with his parents.

You must be convinced that I can have no interest in this matter, and no motive to speak about it beyond a desire to uphold truth and fair dealing. My only written communication on the subject, having been made to you, you will have

no difficulty in excusing any other communication to which that may give occasion. Doct. H. tells me, that I have blasted his prospects in Philadelphia, and that I alone can reinstate him. It would certainly give me more pleasure to speak in his favour than to speak against him, and whenever he gives me reason to do so, I shall be highly gratified to avow it. This he promises to do, and I shall examine his proofs and listen to his communications with all the indulgence, patience and attention of a parent to his child. My only object at present is, to remove any ill-impressions which may have been made by so much of the public report as I have repeated, relative to his marriage and blood. On these subjects I believe I have never expressed any very definite opinion either one way or the other. I shall take the liberty to write to you again, should I hereafter have reason to change in other respects the opinion I have expressed. This will depend altogether upon the nature of the evidence which Doctor Hendree may lay before me.

Very respectfully, &c.

A. P. UPSHUR.

George Campbell, Esq., Philadelphia.

Will any man believe that Mr. Campbell, with this letter before him, from the middle of January, would on the first day of May following, state what he has without a thorough conviction of the truth of every word; and this too, to the injury of the creature with whom he is at the time corresponding in the most respectful and friendly terms, on the subject of his former communication? No, it must first be shewn that Mr. Campbell is an ideot, before its truth can be doubted. Will it be said that A. P. Upshur, when in the month of June, in his pamphlet, is upholding Mr. Campbell as a man of undoubted integrity, was ignorant of Mr. Campbell's communication to me, on the 1st of May preceding? No, that cannot be, for we find in the 51st page of his pamphlet, Mr. Campbell holding communion on the 23rd day of May, with one of A. P. Upshur's best friends, and signing a certificate to aid his cause; and A. P. Upshur in a note at the bottom of the 9th page of his pamphlet, acknowledges holding correspondence with the parties at the very time; but by his letter, his guilt is made manifest. Why should a man be sensible of the sting of reproach, who is a stranger to the guilt that is implied, or subject himself to the penalty, when he knows he has never committed the crime? Why repeat in so *many* different places, "I only mentioned these, how-

ever, as rumours" or words to that effect? Is it not evident he wished to impress on the mind of Mr. Campbell, that he had not said more than that which was rumour? It is palpable, he was conscious of having said much more than what "truth and fair dealing" would uphold him in, and wished to efface it from Mr. Campbell's memory. He would not have committed himself so far, if he had recollected a correct maxim: "Once said, and that well said is sufficient, and he "that repeats more than three times, has a bad cause." Will it now be said, that Mr. Campbell was not authorised to make the communication relative to the partnership and accounts, and the marriage in Richmond, as coming from A. P. Upshur, because they were not mentioned in his letter of the 19th September, 1821? Certainly not, the charge of colour was not mentioned in that letter; but a subsequent one shews he had made it verbally at the time he made the others.

It is now perceived, that if he had shewn the fact that my brother's publication appeared on the *7th January*, in the *Compiler*; how culpable he would be for suffering a delay until the 14th, (seven days) to take place before correcting the communication he says he made to Mr. Campbell. He says, "Mr. Drew was convinced before these publications, that "this charge against the Hendrees could not be sustained, and "very *promptly* retracted it." His conduct is by no means as honourable as Drew's; he had said much more than Drew has ever said on this one charge, and he could not then do me justice without coupling something in my conduct humiliating. In the foregoing letter he uses these words, "Dr. H. "has taken great pains since his return to Virginia, to collect "and lay *before me* evidence to remove these suspicions." A more pitiful falsehood never was uttered by any man. Only compare the publication made by my brother on the 7th Jan. with his letter written on the 14th of the same month, and it will be found that just so far as the publication relates to me directly, just so far has he given in his letter. And the "evidence" he speaks of was no doubt laid before him in common with the public through the press: *but as to his being individually selected*, is an untruth. He says "and a recent visit to the "neighbourhood of the place of his nativity has enabled me "personally to satisfy myself further on the subject." If he was not directly interested in the result of the suit, for what were those enquiries made? If his visit to Norfolk was not connected with this business, why make the enquiry? Were those enquiries to benefit me? No, for he is satisfied the reports are false in November, but does not attempt "to re-

move any ill impressions made by them" until January following. Does he do it then on the strength of the information derived by his enquiries? No. Does he do it on the strength of the documents given to the public on the 7th of January, by my brother, which carried conviction not only to the mind of the disinterested, but to the creatures with whom it originated? He says, no. But seven days after I called on him, (says he) and supplicated his interference, to restore the prospect he had blasted in Philadelphia; the assertion is too contemptible to give it the lie.

In the summer of 1821, A. P. Upshur, while in Philadelphia, verbally stated to Mr. Campbell, (among other falsehoods,) that I was a married man in Richmond, during my residence there, or some portion of the time, and it was generally supposed my wife was still living some where abroad, (see Mr. Campbell's letter of the 22nd September, 1821, in my first pamphlet, page 7.) Mr. Campbell is apprised of my intention to demand his author; he therefore, to have such authority for his assertion as would exonerate him from the responsibility, writes to A. P. Upshur on the 14th September, 1821, requesting a confirmation of the verbal communication he had made, and calls his particular attention to the marriage in these words: "and if it is not generally supposed he has a wife now living." (see Mr. Campbell's letter in Upshur's pamphlet, page 3.) A. P. Upshur felt conscious of having communicated to Mr. Campbell, what truth would not justify him in; and he could not answer his letter without noticing that particular enquiry; he therefore, on the 19th same month, answered him thus: "whether he has a wife "living, or was ever married or not, I do not know. I spoke "of that matter as a mere report, operating to his disadvan- "tage; but I do not even know upon what authority it is "founded. His conduct in the West Indies, is said to have "been very bad, and I have heard it concerned his wife; "but what his conduct was, or whether his wife, if he had "any, was concerned in it or not, I do not know, and never "intended to state. My information is derived from one man

"only, whose name and station, I mentioned in Philadel-
"phia." Could there have been a more vague answer given? If Mr. Campbell's enquiry, couched in such terms, was not authorised by the manner in which it had been spoken of, why not tell him so? No, he knew better: at first it was a wife in Richmond: that he finds untenable for a moment: his alternative is then to fly to the West Indies; how weak and futile are such subterfuges to justify falsehood. I must be considered peculiarly fortunate, when it is recollected that I was but a sojourner in the Islands, and being able after such a lapse of time, to procure such testimonials as I shall now lay before the public, not only for the purpose of shewing that there was no ground for the report, (which the creature with whom it originated has already admitted,) but as having a bearing in my defence of much more importance, that of what my conduct was while absent from my native country.

"I James Johnson, one of the house of Mezick & Johnson, Merchants in Baltimore, do hereby certify that I am personally acquainted with Doct. John Hendree, and knew him well during his residence in the West Indies; more particularly in the Island of St. Bartholomews, and returned with him to the United States of America, in the latter part of the year eighteen hundred and fourteen.* We both landed at Providence, Rhode Island, and I have no hesitation in saying that he was not a married man at that time to the best of my knowledge and belief, and I have never heard that he was married, since or before, and I feel warranted in saying that it is not probable such could have been the case in the West Indies, and I to have remained ignorant of it. And further I do state, that Doct. Hendree was much respected by his own countrymen who were there, as well as the natives, and that he associated with and mixed in the most respectable society in the islands. And further more, there was such a continued intercourse between the Islands, that had such a circumstance existed, it could not well have remained secret from myself and others, during our long residence there.

In testimony whereof, I hereunto subscribe my name, adding that I never knew nor heard of any thing in the deportment of Doct. Hendree, but that of a gentleman.

JAMES JOHNSON."

*From that time to the present, my residence has been confined chiefly to Richmond and Philadelphia.

"I, John H. Holmes, having read over the above statement of James Johnson, do certify to all and every part of the same, with the exception of that part where he speaks of returning to the United States with Doct. Hendree, as I did not return to America at that time. I furthermore state, I have very frequently been to the West Indies since that time, and never have heard such a report, or any thing disrespectful of him.

JOHN H. HOLMES."

"*United States of America,*
State of Maryland, to wit:

I, John Gill, Notary Public, by letters patent under the great seal of the state of Maryland, commissioned and duly qualified, residing in the city of Baltimore, in the state aforesaid, do hereby certify that James Johnson, and John H. Holmes, acknowledged that the several matters and things set forth in said certificate are just and true, as stated. I further certify I have long been intimately acquainted with said James Johnson, and said John H. Holmes, and they are both respectable inhabitants of this city: the former of the respectable house of Messrs. Mezick & Johnson of this city, merchants, the latter a master Mariner, and both of them entitled to full faith and credit, of which an act having been of me requested, I have granted these presents. In testimony, &c. &c. &c.

(Seal.) JNO: GILL, *Not. Pub.*"

"I, William Small, of the borough of Norfolk and state of Virginia, do hereby certify, that I am well acquainted with Doct. John Hendree, (now of Richmond.) I knew him and his connexions in this county, before he, (Dr. Hendree,) went to the West Indies. I also knew him during his residence in the West Indies, and have no knowledge, nor have I ever heard that he was a married man. I also further state, that I have frequently been to the West Indies since Dr. Hendree left there, and had he ever been married, I have no hesitation in saying, it is more than probable I should have heard of it. I have never heard of his conduct there being other than correct and gentlemanly.

WM. SMALL."

"*Norfolk borough, to wit:*

I, John E. Holt, mayor, do hereby certify that William

Small is personally known to me, and he is a man of integrity, and entitled to full confidence and credit.

In testimony whereof, &c.

(Seal.) JNO. E. HOLT, *Mayor.*"*

"I was personally acquainted with Doct. John Hendree before he went to the West Indies, and during his residence there. I never heard of his being a married man, at any time or place; and, as to his conduct, I never knew, nor heard of its being otherwise while there, than that of a gentlemanly young man. I have been to the West Indies frequently, since his return to the United States, and think it more than probable I should have heard it, had such a circumstance occurred.

D. A. REYNOLDS."

Portsmouth, Va. June 24th, 1822.

"David A. Reynolds, is a man of integrity.

A. EMMERSON."

On the 14th January, 1822, A. P. Upshur wrote to Mr. Campbell, informing him that the report of my having been a married man, is without truth. (see his letter in page 68.) In the first place, on what authority did he make the communication to Mr. Campbell of my having been married in the West Indies? He says, "my information is derived from "one man only, whose name and station I mentioned in "Philadelphia." In the 14th page of my former pamphlet, in speaking of his communication to Mr. Campbell on this subject, I lay the origin of the report at his own door, in the following words: "but to say I was seperated from, and denied "her whom I must have received at the altar, or under the "sanctuary of a divine, is an assertion which is worse than "a crime; it is a fault, and could only have had its origin in the "breast of one, who would be indifferent to such an event in "his own life; nor do I believe, there is an individual "worthy of being believed on the face of the earth, who will "say they ever heard or thought such was the case, pre-"vious to the day on which Mr. Upshur made the communica-"tion to Mr. Campbell." Why not boldly give up his author,

* The certificates of Mr. Gill, the notary, and Mr. Holt, the mayor, are both in the usual form, the whole of which is unnecessary to publish.

if he has any? Why has he failed even to notice in his defence, the authority on which he made the assertion? There can be but one of two reasons; he is either some contemptible wretch, after whom he is ashamed to let the world know he would repeat; or, he has none. In the second place, by whom is he informed, that the report is without truth? The person from whom he derived the information, which he communicated to Mr. Campbell, on the 14th January, 1822, must at the same time have informed him, that my conduct in the West Indies was correct and honourable; for, my marriage and my conduct, in his communication to Mr. Campbell on the 19th September, are so connected, that the one enquiry must naturally have followed the other; and he could not have been informed of the one without the other. He has no honest explanation to give, of which his conduct gives the most ample proofs; but he found out the one to give him the information, and the other to rebut it; as Sir John Falstaff found out the true prince, by instinct.

"I am traduced by tongues, which neither know
" My *faculties* nor person, yet will be
" The chronicles of my doing."

A. P. Upshur has introduced in his pamphlet the depositions of Silas Hayes, Philip Triplett, Frederick Clarke, Wm. Crane, John G. Blair, John O. Lay, G. V. Clarke, and J. H. Royster,* (the parties commenced the taking of these depositions on the 15*th October*,† 1821, *near two months after my*

* The subsequent conduct of Mr. J. H. Royster has satisfied me he is an honest man, but he unfortunately suffered himself in this instance, to receive improper impressions by the false representations of an arch villain.

† That fact Upshur has failed to shew, thereby concealing his agency in procuring these affidavit-men.

meeting with Upshur in Philadelphia. This it will be well to recollect,) who say they would doubt my oath if I was interested. Not one of them have nor can they give any honest reason for so saying: they should have been mindful that

"He who says he would not believe another on his oath, without cause, knows *himself* to be perjured."

Upshur says in his pamphlet, page 46, "there are other "witnesses who testify in the same case, that they *would* be- "lieve John Hendree on his oath, even if he felt an interest "in the result of the cause, and the same thing would be de- "clared by thousands of witnesses of any other individual "whatever; for we take it for granted, that every man is a "lover of truth* until the contrary is shewn, and *not to know* "*is therefore sufficient reason for believing him.*" His declaration bears very hard on the integrity of all his affidavitmen, particularly Frederick Clarke, Silas Hayes, John G. Blair and J. H. Royster, with either of whom, to my almost certain knowledge, I never had a transaction; and with John G. Blair, I do not know that I ever exchanged one word. On G. V. Clarke's testimony it bears with a peculiar force against its credibility; for, he expressly says in a deposition of his (which I shall presently exhibit) that he has had transactions with me at various times, all of which have been as *correctly settled* as with any other man. It is a correct maxim to speak well of that bridge which carries you over safe; but his swearing not only stains the purity of his own deposition, but also that of his brother Frederick's. The following is an extract from G. V. Clarke's deposition taken after the *15th October last*, and which appears in Upshur's pamphlet, page 39.

"*Question by Mr. John Hendree.* Are you not a brother "of Mr. Frederick Clarke of Manchester, who has already "given a deposition in this cause? Answer. I am."

"*Question by same.* Do you, or do you not know, that "the said Frederick Clarke is very hostile to me? Answer. "Not without reasons *I believe him to be so.*"

"*Question by same.* Will you state the cause? An- "swer. Because of a prosecution against John Hendree for "forgery; his denial of the said charge, and after the pro- "secution had been decided, the said John Hendree has con- "fessed that he committed this forgery, as I have understood

*How is it he makes an assertion so directly in opposition to his own conduct and feelings?

"from general report, and some other circumstances attend-
"ing said prosecution. Whatever hostility may have been
"between Mr. Hendree, and my brother, has had no influ-
"ence with me, but what I have stated has been from general
"report."

It is now clearly seen, from what the hostile feelings of Frederick Clarke arise. First, he is mad, "because of a prosecution against John Hendree, for forgery." Secondly, he is mad, because of "his denial of the said charge." Thirdly, he is mad, because "the said John Hendree has confessed that he committed this forgery." Fourthly, he is mad, in *consequence of "some other circumstances attending said prosecution."* For the first cause of his anger, I am not to blame; for the second, if he is a lover of truth, he surely would not have me tell a falsehood; for the third, (if any confession,) it was the effect of mental derangement, and it should have excited his sympathy, not his revenge; for the fourth, if he feels *conscious* that perjury *was* proved on him at the time of the examination, he should revenge himself on the faithful memory and sterling integrity of those who proved it, not on me. If G. V. Clarke did not participate in the hostile feelings of his brother, why anticipate the question? My object was to shew, what the feelings of his brother Frederick were towards me, and the causes which gave rise to that hostility. Revenge is sweet, no doubt, and it is the ruling passion of the savage; and by his answer, anticipating what never was intended, I feel bound to protest against any inferences or conclusions being drawn, that I ever intended to class the feelings of any man, entitled to "christian burial," with those of a savage; more particularly when on his oath, to speak the truth without prejudice. At *the time* I put the question, I anticipated weakening the testimony of *one only*; my object has been more than accomplished. As great strength of mind and firmness of character is required to resist contamination, when located in the hot bed of corruption, I am not surprised John G. Blair should have said what he did, (although on other subjects, perhaps his oath might possibly claim some respect,) when I recollect he is the partner in business of Peyton Drew's brother, consequently the frequent associate of Peyton Drew, and living immediately under the office of A. P. Upshur, with whom no doubt there has been a daily, nay, almost an hourly intercourse. *

* John G. Blair, has recently retired from the *agency* in which he was connected with Peyton Drew's brother; consequently, he has removed from the "*infected* district."

Mr. Royster has voluntarily given his deposition, and I have caused G. V. Clarke and Silas Hayes's to be taken, all of which will soon follow, shewing how they were led into the act, by false representation made by Peyton Drew: as their second depositions remove effectually the whole tendency their first had to injure me, they are entitled to credit, for making that effort to redeem themselves. Philip Triplett and Wm. Crane's conduct heretofore, entitled them to the notice of those, in whose *immediate* neighbourhood they live. The conduct of Triplett and O. Lay, in relation to the certificate given to Upshur, as it now stands, cannot, I am willing to hope, be satisfactory to themselves. If William Crane, Philip Triplett and John O. Lay, who are the only persons (that have deposed) with whom I had transactions; which, if they say were not settled agreeable to their wishes at the time, I am ignorant of it; but as we are the adverse parties, let us remain silent, and introduce our proofs, by which one or the other must fall. John Rozel's deposition, was taken by Drew and his counsel, to the same effect of the other affidavit-men; but A. P. Upshur, has thought proper to omit its publication, which is an act of great cruelty to the creature, who was always ready to serve him with his oath. Whether Upshur anticipated the fate of his, would be like that of poor Mallony, (a discharged convict, who was bribed to swear falsely in *this very suit*,) I will not pretend to say, but so it is, he has omitted it without one single word, why or wherefore.

Those very affidavit-men were procured through the instrumentality of A. P. Upshur, whose cunning was exercised, and whose means were used to obtain them; it will then be enquired for what purpose did he want their depositions? For two purposes; the first he believed my knowing of their existence would prevent me from arraigning him before the public, though he should refuse to deny to me what he did to my brother; the second, to send them to Philadelphia for the purpose, as he supposed, of corroborating what he had communicated to Mr. Campbell: and it is an actual fact they were sent to Philadelphia, or a portion of them, and shewn to some, or the whole of the very persons whose names appeared in his pamphlet, page 51; and his intention to do so was long since known to me, as the following certificate will shew:

"On or about the time the taking of depositions in the suit of H. Dance, for the benefit of P. Drew, (in the superior court of chancery,) was going on, Mr. Drew told me that the said depositions were or would be copied and sent to Phila-

delphia. Mr. Drew did name Mr. A. P. Upshur in the course of the conversation, but, whether Mr. Upshur or Mr. Drew was to send on the said copies, I do not now recollect. The depositions above alluded to, were in relation to the character of Doct. Hendree, said by Mr. Drew not to be a man of integrity.

M. WATKINS."

Richmond, 14th January, 1822.

It is publicly known in this city, that the very great intimacy, and friendly intercourse which has heretofore existed between Mr. Watkins and A. P. Upshur and his friends, placed Mr. Watkins in a situation, to know the fact perfectly well, but from having heard it more than once spoken of casually, and feeling no interest in it, could not be positive as to the date or person; no particular motive to serve me, could have influenced Mr. Watkins, for at the time he gave it, I was almost a total stranger to him. It could not have been Drew who intended to send them on; he had no acquaintance in Philadelphia; he had not spoken of me there, and if he had it was not a pin's difference to him, whether he was believed or not. It was *no other* than Abel P. Upshur, who wanted them to go to Philadelphia. Having shewn they were used to meet the convenience of Upshur in one way, I will now shew, that they were used for the purpose of endeavouring to procure the subornation of witnesses, to swear to my being a coloured man; and that they were the instruments actually employed to seduce the unfortunate Mallony, to receive a bribe to forswear himself, which was proved. I have before mentioned, that lieutenant Walter G. Anderson, replied through the press, to the allegation preferred against him by Peyton Drew, that of his being the author of the story of my being a man of colour. Before I introduce any thing from the publication of Lieut. Anderson, to invalidate the testimony of the affidavit-men, I must shew that he stood in relation to their *best* friends and *associates*, not only by them much respected and esteemed, but in the most free and open communion.

PORTSMOUTH, 21st Nov. '21.

Dear Sir,

Our friend Alexander Mc Rat, Esq. and I arrived here this morning, in the steam boat from Richmond, in pursuit of an object of great importance.

To accomplish it, it is necessary that we should have the aid of an officer of the navy, distinguished for his experience,

his skill, and his valor, and for such a service we have not thought it possible to make a more judicious selection than by fixing on our friend lieut. Anderson. The aid too, that it may be effectual, must be prompt; we have therefore thought it proper to forward this despatch to you by express. Fail not if you please to be with us at Portlock's tavern, at as early an hour as possible to-morrow morning. We shall be happy in your company to breakfast with us, if convenient to you; if not then, we hope you will be with us as soon after as possible.

Mr. McRae, joins me in best respects to Mrs. Anderson.

And I am, dear Sir,

Very respectfully, &c.

PEYTON DREW.

N. B. I have brought a choice quid of tobacco for you.

P. D.

Lieut. Walter G. Anderson,
*Pr. express.**

Independent of the profession to which Lieut. Anderson belongs, entitling him to every confidence, it is seen by that letter, he was placed in a situation, to be informed by others of every thing connected with this business without reserve, and of which, he speaks in plain terms, and with a perfect recollection of the facts. The following is an extract from his publication on the 31st January last, which appeared in the "Commercial Compiler," in February:

"Peyton Drew did, previous to the taking of my deposition "on that evening, shew me a parcel of papers, purporting to "be the depositions of John Rozel, Frederick Clarke, Silas "Hayes, Philip Triplett, William Crane, John G. Blair, "J. H. Royster, G. V. Clarke, and John O. Lay,† all of whom "had sworn to things, I thought very strange, and Drew told "me they were his particular friends, and would support him "in the business he had engaged in against the Hendrees, as "you see, said he, here are their depositions, and they shew "you to what lengths they have gone to serve me. Yes, said

*Lieut. Anderson's country residence is about five miles from the town of Portsmouth, to which place the letter was forwarded in the night, at a late hour.

† With an exception or two, I think it very questionable whether the same number of persons could be found, on whom suspicion would more readily light, as to the want of propriety of conduct, than the above named affidavit-men.

" M'Rae, (addressing himself to me) they are all tuned to " the very key, we want them in swearing against John Hen- " dree. I would now ask, if such assertions would not stag- " ger any man ; assertions, made to the injury of an indivi- " dual of whom he had never known any thing improper. I " was not present at the taking of Mallony's deposition ; " but previous to its being taken, McRae and Drew had him " in their room, conversing about what they wanted him to " swear to. Mallony told them, he knew nothing about it, " That is nothing, says McRae : hear what these men in Rich- " mond have said. Read, (said he to Mr. Drew,) such and " such depositions, (naming them,) which Drew did of them, " two or three, as well as I recollect. ' Hear that,' said Mc " Rae ; ' one tells you he knew nothing himself of John " Hendree, and another tells you John Hendree has been fair " in his transactions with him ; still you hear what they say " against him ; do not be uneasy, Mr. Mallony, we will carry " you to Richmond with us ;' and says Drew, ' we will put " you in the employ of some of our friends, or send you to " see your relations."

It is by that clearly seen, poor Mallony fell a victim to the means they had put in the hands of Drew and his counsel. What is to be understood by their being " his *particular friends* " and would *support* him in the business he had engaged in " *against* the Hendrees" ? They are not, I hope, formed in " battle array." The odds would be against me. Is it to be understood that they will swear to any thing to serve their friends and injure me ? Or, is it as he says, " they shew you to what *lengths* they have gone," that they have already sworn to more than " truth and fair dealing" would uphold them in ? But what will any man of common sense, who shall give that sense fair play, understand by " *tuned* to the *very key we want* them"? What is the plain explanation under the existing circumstances ? Evidently not to sound a true note as witness poor Mallony ; then why sound a false one ? Could they be benefitted by injuring me ? They have no apparent interest in it : can they have a *secret* one, or do they swear for the accommodation or convenience of others ? Because they are coupled in the same suit as witnesses, with one who did receive a bribe, is it a sufficient reason to believe they were bribed also ? Heaven forbid, that fact should be so clearly proved, as to stain the birth of their posterity ! Is it because the rain which falls on one, drops on the other, that we are to class them with Malony ? Is it because William Malony and Peyton Drew have sworn falsely, and A. P. Up-

shur is a common liar, and that "birds of a feather will flock together" that we are to charge them with crimes of the same nature? Can any man question for a moment that their zeal to serve their friends is such that they will swear to that being a fact of which they know nothing? And does not their own conduct, and the declaration of their best friends, shew that they have already gone beyond what justice would dictate to an honourable and conscientious mind? The facts are before the world, and whether their oaths are justified by "truth and fair dealing," every man should at least exercise the right of thinking for himself; but if Drew and his counsel did use them for purposes not authorised by the manner in which they were procured, then chastise them for taking a liberty with their names so degrading to their memory.

"The deposition of James H. Royster of lawful age, taken before me, John L. Newby, a notary public, for the city of Richmond, on the 11th of January, 1822, between the hours of nine o'olock A. M. and five o'clock P. M., pursuant to the notice and commission hereto annexed, to be read as evidence in a suit, now depending in the superior court of chancery, for the Richmond district; wherein Harrison Dance, who sues for the benefit of Peyton Drew, is plaintiff, and George Hendree and John Hendree are defendants.

The deponent being first sworn on the Holy Evangelists of Almighty God, deposeth and saith as follows:

Question by defendants.—Be pleased to say what you heard Harrison Dance say in relation to filing the bill in chancery, against the defendants in this suit?

Answer.—I have frequently heard Mr. Dance say, that he objected most pointedly against filing the bill, as to colour; that he (Dance) objected to that part of the bill, which charges the Messrs. Hendrees, with being persons of colour.

Question by the same.—Did you, or did you not, at the time your deposition was taken by the plaintiffs in this suit, at the Washington Tavern, say you would not believe John Hendree on his oath, from no other cause, but that of having seen and heard read, some depositions in the possession of Peyton Drew, which he (Drew) represented to you, as having been taken in this suit, on behalf of the plaintiffs; wherein the persons therein deposing, stated that they would not believe the said John Hendree on oath?

Answer.—That the only reason why I said, that I would not believe John Hendree on his oath, was from having seen and heard those depositions read; as I did not have any knowledge of Mr. Hendree at all, or did I know that they

were depositions, except from the representation of Mr. Drew, who stated to me that they were, and read them to me.

Question by the same.—Have you any knowledge of any act of John Hendree, that would cause you to doubt his word or integrity?

Answer.—No, not of my own knowledge.

Question by the same.—Some time previous to the taking of your deposition, by the plaintiffs in this suit, did or did not, Peyton Drew call on you, and voluntarily shew you papers, purporting to be depositions taken in this suit, derogative to John Hendree, as a man of integrity?

Answer.—He did, without any solicitation on my part.

Question by the same.—Would you, or would you not, previous to that circumstance, have believed John Hendree on his oath?

Answer.—Certainly, I would have believed him.

Question by the same.—Do you, or do you not, believe the papers shewn you, by Peyton Drew at that time, purporting to be depositions, were in the hand-writing of the said Peyton Drew?

Answer.—I do believe they were, as I am well acquainted with the hand-writing of said Peyton Drew, and further, this deponent saith not.

J. H. ROYSTER."

"The deposition of Silas Hayes, taken at the same place on the 14th of January, 1822, &c. &c. The deponent being first sworn, and &c. &c.

Question by deft's. Did, or did not Peyton Drew, call on you previous to the day on which your deposition was taken at the Washington tavern, on behalf of the plaintiff in this suit, and state to you things and circumstances prejudicial to the character of John Hendree; and if, so be pleased to state them?

Answer. Mr. P. Drew, gave me to understand that there was testimony which he should produce, proving them to be the descendants of a coloured woman. I have had conversation with Mr. Peyton Drew, wherein he explained the character of John Hendree as a bad one, going to say that he would disbelieve John Hendree on his oath.

Question by the same. Did, or did not you do business as a merchant or trader, in the town of Newark, in the state of New Jersey.

Answer. I have. And further this deponent saith not.

SILAS HAYES."

"The deposition of Gustavus V. Clarke, taken at the same time and place, &c. The deponent being first sworn, &c. &c.

Question by the deft's. Did, or did not Peyton Drew, within the last three months say in your presence and hearing, that he could prove John and George Hendree, to be coloured men?

Answer. Mr. Drew did say within my hearing, that he thought he could prove Messrs. John and George Hendree, to be men of colour.

Question by the same. Have you, or have you not had many transactions in business at various times, within the last four years with John Hendree; and what has been his conduct in those transactions towards you?

Answer. I have had transactions at various times with John Hendree; all of which transactions with me, have been as correctly settled as with any other man.

Question by the same. Previous to the time on which your deposition was taken at the Washington tavern, on behalf of the plaintiffs in this suit, wherein you stated you would not believe John Hendree on his oath, did not Peyton Drew call on you, and leave with you to read, depositions which had been taken to the same effect?

Answer. He left with me a bundle of papers said to be depositions, which he told me I might read, but which I did not or any of them, but I believe my partner Chastine Clarke did read some of them. And further this deponent saith not.

G. V. CLARKE."

A Copy—Teste,
WM. W. HENING, C. C."

The foregoing depositions have a two-fold effect: while repairing the injury done me formerly, they shew in a clear point of view, the course which has been pursued with the whole, and that an effort was making at the same time, to induce them to believe, I was a coloured man. I have ascertained it to be a fact, from several others, independent of what is said by Messrs. Royster, Hayes and Clarke, that Drew commenced shewing papers, purporting to be the depositions, (all in his own hand-writing,) of very respectable men in this city, speaking to my injury long before any were taken, and at which very time, I was residing in Philadelphia. Thus he would shew to A, a paper purporting to be the deposition of B, and then reverse it; and I am told, he has been handling his friend Upshur freely, by shewing a paper purporting to be his deposition. Justice regards with a sacred

and scrupulous horror, every thing so shaped as to convey to the witnesses, the least intimation of the nature of the answer desired. Nay, it even forbids a leading question from the counsel examining; but what do we find? Not only bribery clearly proved in one instance, but the stream of justice polluted in the others, by continued exertions to prejudice the minds of individuals against me, by false representation, before they gave testimony. Be assured, he who begins with severity in judging another, and can discern with rapidity the bad, and is slow to see the good, commonly ends in falsehood. There are names among the affidavit-men, which A. P. Upshur has published, that no doubt would surprise some at seeing them connected with the buyers of subornation, and the agents of corruption. Did they not know their local situation has, of necessity, made them their daily associates, and that nature has made them accessible with devices and fabrications, which had almost been fatally and successfully employed to seal my fate. Such repeated efforts to foment and excite prejudices against me, by representing every act of my life, distorted by prejudice and blackened by falsehood, as even to sap the foundation of justice, would almost induce honest men, who were above contamination, to doubt my integrity; for, when calumnies are thus propagated, and the man against whom they are levelled is silent, they take wind, and the minds of many are poisoned, who act and speak under that influence; but when on oath, they should be very cautious; it ceases to be between individuals of this earth, but is between them and their God; and when prejudice and calumny shall have sunk beneath the sun-clad power of truth and justice, a thorn may rise from their past conduct, which perhaps may not be felt for a week, a month nor a season; but it may be an unwelcome visitor on a dying pillow.

Although the situation in which Upshur's affidavit-men stand, may offer some apology for the manner in which they have suffered themselves to be tampered with, yet their conduct has made it very questionable as to their correct understanding of the sacred obligation they owe to God and man, when speaking on oath. To deprive a man of the most precious of human possessions "his good name," should first awaken some of the most serious reflections as to the justice of the course.

Censure me not for the freedom with which I have animadverted on your testimony: so far as is essential to self-defence, (to which I have confined myself) it is a privilege given by

nature's God. It is a right you have, and enjoy ; you must not deny it to others. You entered into it voluntarily ; you did not even wait to be called on for testimony by authority of the law ;* yet with all this, had I even the weapon of Rhetoric, or the sting of satire, to lacerate and goad the plunderers of reputation, and however ample the field, I should still have confined myself to self defence. For be assured, no harsh feeling mingles in this defence, nor there runs not one drop of blood in any vein of my body hostile to the happiness and prosperity of any individual, either named or to be named in this publication except A. P. Upshur, who I consider the common enemy of mankind. No, the only feeling with me which your conduct has excited is sympathy ; a feeling, which must be in common with every benevolent being who shall see the unhappy situation in which you have placed yourselves, and my only wish is that your future conduct may atone for your past.

Although the want of reason and consistency with his affidavit-men in their depositions, made them harmless of themselves, I shall shew the imputation they attempted to throw on my character, was rebutted by gentlemen far above the influence of calumny, without regard to the individual with whom it originates, and in this, as in every other instance, will support a character (which I have never stained at home or abroad,) worthy of my associates, by the testimonials of those whose standing in society claims the most implicit confidence and respect.

> " He must be a man of worth, who is
> " Not forsaken by the good, when the
> " *Mean* and *malicious* unite to *oppress* him."

The depositions of Mr. Wm. Rowlett, Mr. Wm. Murphy, Mr. Daniel Trueheart, Col. Thos. Tinsley, Col. Wm. Trueheart, Mr. David Johnson, Mr. Herbert A. Claiborne, Mr. Thos. G. Tinsley, Mr. James Bosher, and Mr. Samuel Cary, were all taken to rebut and make an annulity of those taken to my injury, and as they are all to the same effect, I will only give at full length three amongst the first which were taken.

*There is an exception; one of the witnesses could not leave his house without having a subpœna served on him to protect him from the hands of the Sheriff.

Harrison Dance, who sues for the benefit of Peyton Drew, pltf. against *George Hendree and John Hendree*, dfts. } In the Superior court of Chancery for the Richmond district.

"The deposition of William Rowlett, of lawful age, taken before me, Herbert A. Claiborne, a notary public for the city of Richmond, pursuant to the notice and commission hereto annexed. The said Wm. Rowlett being first duly sworn by me on the Holy Bible, deposes and answers as follows, to the subjoined questions:

Question by dfts.—Have you been acquainted with John Hendree, one of the dfts. in this suit, any length of time; and if so, how long?

Answer.—I believe I have for four or five years.

Question by the same.—From your knowledge of him, what opinion do you entertain of the character of the said John Hendree?

Answer.—I know nothing derogatory of his character.

Question by the same.—Would you, acting as a juror in a suit in which John Hendree might be sworn as a witness, for a relation or friend whose success he might desire in such suit, believe him on his oath?

Answer. I have no cause to disbelieve him. I do not know that I ever had any transactions with him as I now recollect.

Question by the same. Under the circumstances detailed in the foregoing interrogatory, would or would you not, sitting as a juror, believe John Hendree on his oath?

Answer. I should. I have no cause to disbelieve him.

Question by the plaintiffs. Have you that knowledge of the conduct and transactions of John Hendree in his affairs with mankind generally, which enables you to speak with certainty of the general character which ought deservedly to be attributed to him?

This question is excepted to by John Hendree in his own proper person.

Answer. I know nothing of his conduct with other men, and therefore cannot say that I know any thing of his general character with other men: And further this deponent saith not.

WILLIAM ROWLETT."

Richmond, 18th October, 1821.

"The deposition of William Murphy, of lawful age, taken before me, Herbert A. Claiborne, notary public, for the city of Richmond, at my office in the said city, conformable to the

notice and commission hereto annexed. The said Wm. Murphy, having been first duly sworn by me, on the Holy Evangelists, deposes as follows to the subjoined questions.

Question by the defendants.—Have you been acquainted with John Hendree, one of the defendants in this cause, any length of time, and if so, how long?

Answer.—Yes, I have been acquainted with him, from the year 1817, till the present time, say five or six years, as well as my memory serves me. The firm of Murphy & Scott, was dissolved in July, 1817, and I had been acquainted with Doct. Hendree for twelve months previous to that time, and had mercantile transactions with him.

Question by the same. From your knowledge of him, what opinion do you entertain of the character of said J. Hendree?

Answer.—I have never considered him in any other light than that of a gentleman. I have never heard any thing of him, to justify me in entertaining a different opinion; I have considered him as a person in whose honour and probity, I should have no hesitation to confide.

Question by the same.—Would you acting as a juror in a suit, in which John Hendree might be sworn as a witness, for a relation or friend, whose success he might desire in such suit, believe him on his oath?

Answer.—I should without hesitation.

Question by the same.—Have you not for many years been a resident of the city of Richmond, and have you not been in the habit, daily of having a very general intercourse with the citizens of the said city of Richmond?

Answer.—Yes, I have.

Question by plaintiffs' counsel.—Have you that knowledge of the conduct and transactions of John Hendree in his affairs with the world generally, which enables you to speak with certainty, of the general character which ought deservedly to be attributed to him, in consequence of that conduct, and those transactions?

Answer.—I have not, and further this deponent saith not.

WILLIAM MURPHY."

Richmond, 18*th Octr.* 1821.

"The deposition of Daniel Trueheart, of lawful age, taken before me Herbert A. Claiborne, Notary Public for the city of Richmond, duly commissioned and appointed pursuant to the notice and commission hereto annexed:

The said Daniel Trueheart, having been duly sworn by me on the Holy Bible, deposeth and sayeth as follows to the subjoined interrogatories :

Question by deft's. Have you been acquainted with John Hendree, one of the defendants in this suit any length of time, and if so, how long ?

Answer. Between five and six years last past.

Question by the same. From your knowledge of him, what opinion do you entertain of the character of said John Hendree ?

Answer. I have always entertained that of his being a gentleman.

Question by the same. Would you, acting as a juror in a suit, in which John Hendree might be sworn as a witness, for a relation or friend whose success he might desire in such suit, believe him on his oath ?

Answer. I would without hesitation.

Question by the same. Under the circumstances detailed in the foregoing interrogatory, would or would you not, sitting as a juror, believe John Hendree on his oath ?

Answer. I would.

Question by the pltff's. Att'y. Have you that knowledge of the conduct and transactions of John Hendree, in his affairs with mankind generally, which enables you to speak with certainty, of the general character which ought deservedly to be attributed to him in consequence of that conduct and those transactions ?

The question was excepted to by the deft's. in their own proper persons.

Answer. I have had some important transactions, and I believe a great many with him, in all of which I have uniformly found him just and honourable. As to his transactions generally, I am not sufficiently acquainted to form a correct opinion ; and further this deponent saith not.

D. TRUEHEART.

Richmond, 18*th October,* 1821.

A Copy—Teste,

WM. W. HENING. C. C."

So effectually did those depositions make null and void the effort made by the plaintiffs to invalidate my testimony, that they suffered the suit to be dismissed.

VIRGINIA :

At rules held in the Clerk's office of the superior court of chancery, for the Richmond district, the 22d day of April, 1822 :

Harrison Dance, who sues for the benefit of P. Drew, plt'ff.
against
George Hendree and John Hendree, . dft's.

The plaintiff having failed to file the exhibit referred to in the original and amended bills pursuant to the rule entered on the twenty second of March last, this suit is dismissed at the costs of the plaintiffs.

A Copy—Teste,

WM. W. HENING, C. C.

It is true the suit has been revived, but on what ground, and for what purpose I will shew. To revive a suit is I believe a legal right, provided any cause can be shewn for so doing however trivial.

" *City of Richmond, to wit :*

This day Peyton Drew made oath before the subscriber, an alderman for the city aforesaid, that he was under a mistake as to the day on which the rules expired in the office of the clerk of the superior court of chancery for the Richmond district, at which it was required by the defendants in the suit lately depending in the court aforesaid, between Harrison Dance, who sued for the benefit of the said Drew, plaintiff, and George Hendree and John Hendree, defendants, that an account referred to in the amended bill filed in that cause, (which account had not been theretofore actually exhibited,) should be, (according to a rule of the said court) filed among the papers of the cause aforesaid. the said Drew having been under the impression that the rules aforesaid, expired on the 24th day of April last, whereas, in fact they expired on the 22d day of that month; and but for that erroneous impression the said Drew further saith that he would most certainly, as he was required to do, have filed the account aforesaid among the papers of the said cause in due time before the rules aforesaid had expired. Given under my hand this 8th day of June, 1822.

SAM'L. M'CRAW,
Senr. Alderman.

A Copy—Teste,
WM. W. HENING, C. C."

I do this to shew what a convenience his oath is, and the use Upshur has made of it, for the accommodation of his publication. Will it be believed by those who know Peyton Drew's haunts and habits, and who know he is living under the same roof, and within *five* feet of the office where the rules are held, that he forgot it? Will it be believed, that his three counsel unintentionally suffered the suit to be dismissed, two of which have been so deeply interested in the success of its result? Will it be believed they were so neglectful of their duty to their client? Will it be believed that he was mistaken, when it is known that he was notified some days before the 22nd of April, by an officer of the court, that such would be the result, provided he failed to comply with the rule made on the 22d March, thirty days previous, and thus having had thirty days to comply with the order? And what was the labour or time required to perform what he was called on to do? Nothing more than handing a paper to the clerk of the court, which was within his reach at any moment. Can it be believed he was mistaken as to the day? No, never. It must be recollected, that Upshur, in his exordium in his pamphlet that appeared in the latter part of June, when speaking "of one of the most imposing and ingenious libels that ever issued from the press," (alluding to my former pamphlet) being before the public, he says, "I have not, until very recently, designed to take any notice whatever of this truly disgraceful production." After assigning his reasons for so having determined, he says, "I certainly should have con-"tinued to be governed by this feeling, had the circulation of "the pamphlet in question been confined to Virginia. I un-"derstood, however, that he has distributed his copies with "great industry among the citizens of Philadelphia."

As my pamphlet was not in fact circulated in Philadelphia until the month of May, it is evident he had given up all idea of a reply, until after the suit was dismissed; consequently, after determining to attempt a justification of his conduct, the same instruments which had been employed to seduce Malony, he found essential to employ, as was originally intended, either to hold me in terrorem or constitute, as he supposed, a justification of his conduct; but, to do so when the suit was actually dismissed at the cost of the parties for whose benefit they were taken, and who had actually not suffered it to come before the court, would have been a justification of his conduct, (as far as they go to justify it,) by an imposition on the public of so glaring a nature, that his feelings are not quite case-hardened, sufficient to countenance so contemptible a

cheat. He therefore informs Peyton Drew of his wants, that the suit must be revived; who, in the true spirit of accommodation, swears to suit his purposes, and on the 8th June, on the strength of Peyton Drew's oath, the suit is revived, without the least opposition on the part of my brother or his counsel.

"What have I done that thou dar'st wag thy tongue
"In noise so rude against me?"

When charges are made against any man, which tend to destroy his fair standing with that community in which he lives, it becomes his indispensable duty to seek redress in that way which is pointed out to every honorable mind; that being denied him by the party injuring, it would then be said he must seek it at the hand of the legal tribunal of the land. Although true philosophy and sound reasoning point that out as an alternative which is sure, but so slow in giving redress, that his character might sink under the wild decrees of public opinion, founded on false representation, and gaining ground from the want of a firm and manly remonstrance through the press; and when an appeal is made to the great inquest of public opinion, before whom his proofs are to appear, by which he is to stand or fall, it becomes the duty of every man who feels a friendship for either party, to weigh with due discretion the step he is about to take, and not to suffer himself to be led into error by passion, by prejudice or by folly; for, without regard to the motive which actuates him, if he give countenance to dishonorable acts in others, he tarnishes his own fair name by a violation of that pledge which nature's God exacted at his birth; equal justice to all men.

"You know the right, and approve it too,
"You know the wrong, and yet the wrong pursue."

Soon after the circulation of my pamphlet in this city, entitled, "A refutation of calumnies propagated by A. P. Upshur, by John Hendree," a publication issued from the press, purporting to be from the friends of A. P. Upshur, which in hand-bill form, together with copies and extracts of letters said to be from respectable gentlemen in Philadelphia, impeaching my conduct and standing in that city, were by his creatures, like so many ballad-singers, retailed through the streets, telling a different story at every corner. I called on

the printer, who handed me the following names as the authors of the publication: George Cabell, Walter F. Jones, ————,* H. C. Doswell, Joseph Mayo, J. R. Potter, Wm. H. Tarpley, P. P. Mayo. On finding the names of George Cabell and Walter F. Jones, at the head of the list I must confess I felt some degree of surprise, and no doubt others will be equally so, when they read the following extract from that publication: "Comment is unnecessary. Mr. "Upshur would not himself have condescended to take even "this notice of Hendree, or his pamphlet, but some of his "friends have thought proper to do so." Are there any in this community (who previous to seeing their own declaration to the contrary,) would have said they were not in respectability A. P. Upshur's equal, or even the equal of an honourable man? Are there any who could have believed they would have descended to an act unworthy of their associate? If there are, I am not of the number.

Any remark on introducing the following testimonials to remove the imputation, would be superfluous and unnecessary further than to say, I intend they shall convince the "knight-errant" alias A. P. Upshur, that the man for whom he has no other than "a feeling of pity and benevolent regret, that as a "human being he should have no merit at all," contrary to his expectations, has at least some merit in his profession, and a good name among those who know him.

PHILADELPHIA, May 7th, 1822.

The undersigned, professors of medicine in the University of Pennsylvania, do certify that Dr. John Hendree of Virginia, while a student in this school, was exceedingly distinguished by the diligence and success with which he prosecuted his studies, and by a course so far as came within our knowledge, of undeviating rectitude and propriety of conduct.

PHILIP S. PHYSICK,
JOHN REDMAN COXE,
N. CHAPMAN,
THOS. C. JAMES,
W. E. HORNER,
Adjunct Professor.

I cheerfully subscribe to the above, and feel myself called upon to add that Doct. Hendree peculiarly conciliated my approbation.

ROBT. HARE.

* The person whose name is omitted is absent from the city.

I do hereby certify, that I have been acquainted with Doct. John Hendree for more than two years. that he has diligently attended two courses of my Anatomical Lectures in the University of Pennsylvania ; that he received the degree of M. D. after an examination which gave full satisfaction ; and that his conduct as far as I have had an opportunity of observing it, has always been correct and honourable. I do also certify that very soon after having received his degree in medicine, influenced by a strong desire of improving himself in his profession, he applied to me to admit him into my office as a private pupil, and evinced so much anxiety to obtain practical information that I felt desirous of assisting him ; and therefore, though I had for several years declined taking pupils into my office, I determined to invite him to see my surgical business whenever it was in my power. This intercourse with Doctr. Hendree made me intimately acquainted with his conduct and qualifications. The result has been that I have the pleasure of certifying, with regard to his conduct, that in my opinion, it has been not only irreproachable, but highly amiable and satisfactory ; and that his professional qualifications place him deservedly among our best informed young physicians.

PHILIP SYNG PHYSICK.

Philadelphia, 9th May, 1822.

Having been requested to state my opinion, as to the assiduity and attention of Doctr. John Hendree, whilst pursuing his medical education in the University of Pennsylvania, I have no hesitation to say, that so far as my observations enabled me to judge, I never witnessed a more attentive student. His attendance on the lectures, was, I believe uninterrupted, and he was equally attentive to avail himself of several courses of lectures, that are delivered during the summer months. During the period that I have been acquainted with Doctor Hendree, I have always seen in him, the general behaviour of an honourable and gentlemanly character; in that light, he has been a frequent and acceptable visitor in my family. Nor am I acquainted with any thing which leads me to suppose, that Doctor Hendree has forfeited the good opinion, I have always entertained of him.

With respect to the former part of this statement, I think myself very adequate to form a very accurate opinion ; holding as I have done for several years past, the situation of Dean of the Medical Faculty ; my connections with the students, especially of the candidates for Medical Honours, were perhaps more intimate, than those of the other members of the Faculty.

I may also add to this, that in the examination which Dr. H. underwent, preparatory to receiving his degree, his qualifications and pretensions, were perfectly satisfactory to the board.

JOHN REDMAN COXE, M. D.

Profr. of Mat. Med. and Pharmacy, in the U. of P.

Philadelphia, May 9th, 1822.

Being called upon, to express my opinion of the character and conduct of Doctor John Hendree, I have only to state, that while he was my private pupil, which was about two years, he afforded me the most entire satisfaction, by the industry with which he pursued his studies, and the uniform propriety of his deportment; and that I have reason to believe, he had a standing in the estimation of the general society of this city, very honourable to any young man.

N. CHAPMAN.

Philadelphia, May 9th, 1822.

Being called upon by Doctor Hendree, to state my impression of his character, when he was a student of medicine in Philadelphia, I have no hesitation in declaring, that I always considered him, as a gentleman of highly correct deportment, and as a student, he certainly acquitted himself in a very satisfactory manner, on those branches of his education, superintended by myself, viz: Anatomy and Surgery.

W. E. HORNER.

Pha. May 9th, 1822.

We the undersigned, were members of the same family with Doctor John Hendree, during his residence in Philadelphia, and on terms of intimacy with him, and have no hesitation in saying, we have never seen nor known any thing in his deportment, other than that of a moral, correct, and gentlemanly man. The society with which he associated, was highly respectable.

B. W. RICHARDS,
WM. K. CORRY,
JNO. JACOBS, JR.
JOHN G. JACKSON.

Philadelphia, May 7th, 1822.

We were associates and fellow students, with Doctor Hendree, during his residence in Philadelphia. We take pleasure in saying, we never saw or knew any thing in his conduct, other than became a diligent student; and in his manners and deportment, the gentleman. And we do know Dr. H. did associate with highly respectable society in this city.

SAMUEL M. FOX, M. D.
FRANCIS WALN,
WILLIAM W. FENNELL, M. D.
EDW'D JENNER COXE,
SOL. MORDECAI, M. D.
GUSTAVUS COLHOUN, Jr.
ALEX. J. H. DUNCAN,
FRANCIS LIGHTFOOT LEE, M. D.
FRED'K MARKS.

Philadelphia, 7th May, 1822.

I confess I feel proud, in being able to keep the field with such "implements of warfare;" and I believe it is not possible to act on the defensive, with more powerful weapons than such as are placed in my hands, by gentlemen, the most elevated in the ranks of their profession, and all equally so in private society.

A. P. Upshur in the 10th page of his pamphlet, after comparing his letter of the 19th September, 1821, to Mr. Campbell, with Mr. Campbell's letter to me of the 22nd same month, says: "I do not mention these things however with "any view to inculpate Mr. Campbell. His character for "probity is perfectly well established, and perfectly well "known to me; it places him very far above the suspicion "of intentional misrepresentation under any circumstances "whatsoever. His correspondence with me sufficiently ex- "plains his mistake. At the time he wrote to John Hendree, he "did not advert to my letter, or probably had not received it; "he had heard from various sources, much more of the Hen- "drees than I had; it is highly probable, that these rumours "were mentioned by one or the other of us, in the course of

" our conversations, and Mr. Campbell gave the hasty state-
" ment, part of which has been published merely to enable
" Jno. Hendree to acquit himself if he could, and did not there-
" fore think it necessary to distinguish particularly between
" the information he had received from me, and that which
" he received from others, nor between those things which
" were stated as facts, and those which were casually spoken
" of merely as existing rumours. It was in either case the
" interest and duty of John Hendree to explain them, and
" for that purpose he was informed of their existence."

The object of this enquiry is to be, whether Mr. Campbell heard the reports stated in his letter of the 22d September, 1821, from any other source than the one he gives up as his authority, to wit: A. P. Upshur; and whether Mr. Campbell in his private correspondence with Abel P. Upshur, has acknowledged that he had unjustly surrendered him as his authority; and whether he has made such explanation as ought to be satisfactory to a gentleman or a " knight-errant" for having made " assertions calculated to affect a man of honor, in the tenderest point." By A. P. Upshur's own shewing in page 3, it is evident he gave Mr. Stout the first information, who in consequence of his departure from probability would not repeat after him, but told him he might tell it to others, and very correctly thinking, if there is venom in it, let it poison itself. And Upshur was like a common Sewer, made the convenience of every man and actually carried* by Mr. Stout to Mr. Campbell, to invent and repeat falsehood, as he " Bobadil-like," moved within the walls of the Philadelphia Library, pluming on his sudden elevation in being able to calumniate a man " who is without any merit at all." Mr. Campbell is apprised by the 14th September, of my intention to call on him to demand his authority: he therefore wrote to A. P. Upshur, requiring him to state in writing what he had verbally communicated (see Upshur's pamphlet, page 3.) On the 19th same month, A. P. Upshur answers Mr Campbell's letter, but fails to state in writing what he had verbally communicated, (see his pamphlet, page 4.) This letter, by the regular course of the mail, should have reached Mr. Campbell on the 21*st at* 12 *o'clock*, and no doubt it did. On the 22*nd* Mr. Campbell made his communication to me expressly stating he received the information from A. P. Upshur, in which there

* It is a fact, that Mr. Campbell did not call on him, but he actually called on Mr. Campbell with Mr. Stout, at the Philadelphia Library.

are charges very separate and distinct from any thing contained in Upshur's letter to him.

Mr. Campbell, in a letter to A. P. Upshur, dated the *24th September*, acknowledges the receipt of his letter of the *19th*, thus: "I received your favour of the 19th in due course," (see Upshur's pamphlet, page 8.) It is now certain Mr. Campbell had Upshur's letter of the 19th before him on the *24th*, and on the *25th or 26th*, he made the communication relative to the partnership between my brother and myself, and our proving accounts, &c. &c., which he endorsed on the back of the letter to me of the 22nd September, (then in my possession,) without any remark whatever, as to the body of it having been written in haste, and it is utterly impossible he could have confounded the charges in his letter to me, with those contained in Upshur's to him; but, the *identical* charges which Mr. Campbell endorsed on the back of his letter to me, after he had received Upshur's letter, is among those which Upshur most positively denies ever having made, and not one syllable touching any thing of the kind is contained in his letter to Mr. Campbell. I contend, that at the time Mr. Campbell wrote the letter of the 22nd September to me, he had no reference nor regard whatever to the contents of A. P. Upshur's letter of the 19th, (which I have no doubt was before him,) but, expressly intended to state what Upshur had verbally communicated to him; and I am equally certain he intended to surrender Upshur as the *only* authority which he had, and the *only* creature from whom he ever had heard a word on the subject of the charges contained in his letter published in my first pamphlet, page 7. If Mr. Campbell had heard those charges before, what does he mean in that letter, by saying, "I told Mr. Upshur it was a subject I had no interest whatever in, and the *information he gave me*, was, as "I reminded him, totally unsolicited and unsought for by "me." Mr. Campbell did not call on Upshur to make any enquiry about me, nor did he solicit it when Upshur called on him. Mr. Campbell had no acquaintance with Upshur, and it is more than probable he did not know such a thing as he is, was in existence. If Mr. Campbell had heard them from another source, why should Upshur request him not to communicate it to others? Why did Mr. Campbell write to Upshur on the 14th September for a confirmation? Did he expect Upshur to confirm the lies of others? It is true, such an opinion would be very naturally entertained by Mr. Campbell, or any other man, of a creature who had suffered himself to be led by the nose to calumniate a man who is not "offend-

ing." Why did A. P. Upshur pledge himself to "vouch for the truth of" assertions Mr. Campbell had heard from others? If Mr. Campbell had heard it from others, why had he not communicated it to his friends Messrs. Kunsman and Donaldson before? I did not leave Philadelphia until the 3rd or 4th of October; why did not Mr. Campbell call on me and correct the statement? He was just as well acquainted with the difference in the two letters then, as he is at this time. Would any man of Mr. Campbell's understanding, write as he does, without fully intending it to be *most* distinctly understood that A. P. Upshur was the *only* creature from whom he received the information? Can there be a man on earth, who will believe Mr. Campbell would so stupidly have subjected himself to the indignation of that enlightened community in which he lives, by being instrumental in unjustly holding up A. P. Upshur to the public execration of every honest man? No, none; and he gives a farther confirmation on the first of May, that he never intended to say other than A. P. Upshur was the author. I arrived in Philadelphia on that day, and handed Mr. Campbell the original letter and my publication, desiring him to compare them, and see if they agreed. He did so, and on the margin of the publication he wrote the following certificate:

"Having compared this letter with the original, I find it correct.

GEO. CAMPBELL."

Philad. 1*st May*, 1822.

Not a word about having heard it from any other person. I then put the question; he answered it at the bottom of the letter, on the subject of my being refused as a witness in a court, on account of colour, page 67, thus: "and was *communicated* to "me *by* Mr. Upshur, at the time *he* made the *other* commu- "nications stated in my letter of the 22nd September, 1821, *of* "*which I had until then known nothing.*

GEO: CAMPBELL."

Philad. 1*st May*, 1822.

Mr. Campbell meets me at Mr. Stout's room. I handed Mr. Stout the original letter: he perused it, and said he should confirm in substance, what Mr. Campbell had stated. If Mr. Campbell has either made an acknowledgment of his having been in error, or made any explanation which ought to satisfy an *honourable man*, it is strange that no one can get sight of it, but the "knight-errant" himself; but, if Mr.

Campbell himself was now to say, he had heard these reports from sources, other than A. P. Upshur, he would not be believed. To let such an assertion gain credit, he must not only make it publickly, and the authority given up, but it must be accompanied with undoubted proofs, or his authority must be respectable and within communicating distance.

That I may not be charged with having failed in what I never attempted; it is proper for me to shew the extent of my design, in placing before the public, the certificates of gentlemen, with whom my mercantile transactions justified the declaration made in that certificate. I intended it to extend to those transactions alone, as will not only be perceived from the manner in which I have introduced it, and the place it holds in my former pamphlet, page 19; but from previously having had the fact of my standing in society established, and inserted in same pamphlet, page 12, by gentlemen whose acquaintance with me authorised them to say what I never did, nor never intended to request of the others. Many of those gentlemen, from false representation made to them by A. P. Upshur and his minions, were led to draw inferences not justified by the facts, (and of which his own shewing convicts him,) did make communications to him by *his own* solicitation, which tended to change the import of their former declaration and to injure me, both of which were foreign to what they intended, and having no feelings of vassalage towards any man, have by the following declarations, restored their first certificate to its original strength.

RICHMOND, July 2nd, 1822.

DOCT'R JOHN HENDREE,

Dear Sir,

Mr. Peter P. Mayo, (the friend of Mr. A. P. Upshur,) called on me, and desired to know if I was aware of any controversy between you and Mr. Upshur, at the time I signed the certificate published in your pamphlet, page 19. I told him I was not; he enquired if I would have any objection to state that fact. I told him I would do so: *he wrote the certificate, and worded it in his own way*, which I signed; but I assure you, I did not mean to convey the most distant

idea, unfavourable to your character, very far from it; nor did I mean to appear as a volunteer, in giving Mr. Upshur the certificate, as *I told* Mr. Mayo *expressly*, to mention in the certificate, that it was given by the *particular request of Mr. Upshur, which he did not do.*

I am, yours respectfully,

ROBERT PLEASANTS.

RICHMOND, July 2nd, 1822.

DEAR SIR,

In reply to yours of this morning I have to state, that in the certificate which I gave Mr. Potter, the friend of Mr. Upshur who called on me, I did not mean to be understood as reflecting on your general character, by any means, as you never called on me to say any thing in relation to it whatever.

Respectfully yours,

E. WALLS.

DOCT. J. HENDREE,
Present.

RICHMOND, July 3rd, 1822.

DEAR SIR,

A friend of Mr. Upshur's called on me in the month of May last, and requested me to certify in writing that I knew nothing of the controversy between you and him, at the time I signed the certificate for you, also wished me to specify the extent of my dealings with you. I told him they were very limited, and further I knew nothing of the controversy existing between you and Mr. Upshur, until the appearance of your pamphlet; observing at the same time to him *I thought it unnecessary to give a certificate to that effect;* and further felt some delicacy in doing it. He expressed a different opinion, and *urged* the *necessity* of a compliance of his request. I then observed *he might call* on me the next day, and I would reflect on the occasion: he did so, and on meeting a second time, I told him *I was still* of the *same* opinion, that such a certificate was of no importance any way; but he still contended it was *absolutely necessary* and proper, I should give such a one; and finally concluding no improper inferences could be drawn therefrom, I complied with the request. But Sir, if any thing therein can be construed to reflect on your character in the slightest degree, I disclaim any such intention.

With respect, I am yours,

JOHN WINSTON.

DOCT. JOHN HENDREE,

DOCT. JOHN HENDREE,

Sir,

In giving the certificate to the friend of Mr. Upshur, who called on me on 3rd June, I do not mean to be understood as reflecting on your general character by any means.

Respectfully,

Your obedient Servant,

JAMES BOSHER.

3rd July, 1822.

DOCT. JOHN HENDREE,

Dear Sir,

In my note to Mr. Upshur of the 4th June, speaking of my regret at seeing my name in your pamphlet, I wish to be distinctly understood that I do not regret having put my name to the certificate you published, as it was a truth to which you were fully entitled to from me. *When Mr. Upshur requested me to give him a letter*, I never intended to be understood as offering any reflection on your character whatever, and if such construction be put on it, I disclaim any such intention.

Respectfully, I am yours,

JOHN GODDIN.

August 4th, 1822.

DOC'R JOHN HENDREE,

Sir,

In my letter to A. P. Upshur, esq. of the 28th May last, since published in a pamphlet, I had not the most remote intention of saying that you had obtained my signature improperly, to a certificate given you in March, to which my letter had reference. You did not state your object, nor did I require you to do so, or hesitate in signing it. I did not intend in my letter to express any opinion injurious to your character.

Respectfully,

Yours, &c.

M. H. RICE,

5th August, 1822.

In my letter to Mr. Upshur respecting the certificate I had signed for Doct. Hendree, I stated I was under the impression I had added the word "ditto" to my signature, but on examining the original I find *I was mistaken.*

EDM. ANDERSON.

July 31st, 1822.

By artful intrigue and arrangement, he clothed himself for a moment with a respectability in society, which he neither held nor merited. To read the letters of those gentlemen which he has exhibited in his pamphlet, one (who did not know the contrary,) would not only suppose they were unsolicited, but from the feelings they appear to express would suppose him to be some nabob (or at least the fag end of nobility) whose honour was identified with that of the city in which he lived, and to whom every man in the community bowed with feudal homage. He may have gained a momentary triumph, but his ultimate discomfiture and disgrace is the more complete and exemplary ; make the comparison, and lo ! what do we find ? He is still Abel P. Upshur, no more ! Most if not all of the gentlemen on that certificate were called on for similar letters ; but no said they, ' the testimonials we have given to Dr. Hendree, he was entitled to, and should have had under any circumstances, and no act of ours shall give to the improper conduct of any man the mantle of justification.' In the 27th page of his pamphlet he has introduced a letter purporting to be from Mr. Willis Cowling, speaking of the certificate I published with his signature, relative to my transactions in business, in which he says " when I subscribed to that paper, " I had no idea what use he intended to make of it. If I " could have conceived that it was to have appeared in the " way it has, I should most assuredly not have given it." Will it be believed by any who know Mr. Cowling, that he would privately or publicly thus commit himself ? Is it not a liberty that A. P. Upshur has taken with his name unauthorised ? This suspicion is justified from the fact that Mr. Cowling was above all other men bound to say of me what he did from the number, the extent and the very friendly manner in which our transactions in business have been conducted : but a motive which would influence Mr. Cowling to " uphold truth and fair dealing," much more powerful than any private consideration, is his being an active member of a numerous and highly respectable religious society, where he must teach by example as well as by precept. Delicacy forbids my making the enquiry of Mr. Cowling, as to the genuineness of the letter in consequence of his living in the immediate neighbourhood of A. P. Upshur, and with whom no doubt there exists the most friendly intercourse, nor am I willing to insult his feelings by such an enquiry. I who know him so well, for a moment to believe him the author of a letter declaring he would withhold truth and justice to the injury of any man, his " general character" forbids my giving it

credit until I have it from higher authority than A. P. Upshur.

No false pride shall influence me to withhold from any man a just explanation of that part of my conduct, which may have induced him to commit an act, subsequently, wounding to his feelings; thus publickly, I feel it incumbent on me, to assure Doct. Cabell, that I was ignorant of the relation in which he stood to A. P. Upshur's connexion, when I requested his name to the certificate. Had it been otherwise, I certainly should not have called on him, and thereby, would have saved him the trouble of the calls he had to make to procure letters to A. P. Upshur, from those gentlemen who were on the certificate with him. This explanation is not prompted by the fact of the part, the Doctr. did take in publishing the hand bill spoken of, in page 92; nor in consequence of having seen his letter to A. P. Upshur, (now before the public,) with an assurance that he would not gain say, the man "who is above the reach of calumny, and would scorn to propagate it;" but from a belief that the Doct. acted and wrote in haste, and did not intend the idea that is conveyed; for I am well convinced, by reference to his "general character" that he is an advocate for "truth and fair dealing," and would uphold it, even though it should sever the most tender ties in nature, and that his natural frankness and candour is at war with his feelings of friendship. Most certainly the Doctr's. zeal in the cause, deserved better of his friend Upshur, than by an arrangement of the letters, contrary to the usual mode, has made his the last, when it should have been the first; thereby concealing from the ordinary reader, the fact of the Doctr's. embracing the earliest opportunity, not only to ascertain the sentiments of the other gentlemen, but to procure their letters. A. P. Upshur should have been silent, or told the whole truth in relation to Mr. M. M. Robinson, *who was actually called on*, and of whom a similar request was made. Mr. Robinson, being one of those spirits of the "ancient dominion," who know no superior, and abhorring even the semblance of an untruth, would do nothing like giving it countenance, and very promptly replied, "for Doctr. Hendree I have stated a truth to which he was entitled."

The heart *is* deceitful above all *things*, and desperately wicked: who can know it?

Jeremiah, ch. xvii. v. 9.

In the intercourse which most men have with society, there are occurrences intrinsically not worthy of recollection, but they may take place at a time when there are circumstances existing between individuals, which give them great weight in the subsequent conduct of either party. Having shewn that the pamphlet of A. P. Upshur, has not the least relation to truth, I will now shew that his sentiments bear precisely the same relation to his conduct. On the 14th September, 1821, A. P. Upshur is informed by Mr. Campbell that what he, (Upshur,) had stated to him, had been communicated to me, and that I most positively denied the truth of his assertions, and he requested of Upshur a confirmation in writing of what he had communicated to him in Philadelphia, (see Upshur's pamphlet page 3.) On the 19th of the same month, A. P. Upshur in answer to Mr. Campbell's letter, wrote an epistle of near two folio sheets, in which he says every thing that a liar could invent to my injury; and when speaking of an interview, he says I held with him at his room in Philadelphia, he remarks "During our conversation, Mr. N——, "called at my room, but I did not introduce him, because I "did not wish that a gentlemen of his character, should suppose "that Doctr. Hendree visited me on terms of equality," (see his pamphlet, page 4.) On the 24th of the same month, Mr. Campbell acknowledges that A. P. Upshur's letter was received "in due course," and informs him, that he had, in a note addressed to me, communicated what he, Upshur, had *related* to him, (see his pamphlet, page 8,) previous to my arrival in Virginia, and after his answer to Mr. Campbell's letter, he (Upshur) *wrote* to Mr. Stout, (who was then in New York as well as I recollect, what he said on the subject,) informing him, that he understood, I intended visiting Virginia, for the purpose of calling him to account for his conduct in Philadelphia, or words to that effect. The object of the foregoing statement, is, first to to shew that A. P. Upshur, previous to the month of November, 1821, had expressly said he did not consider me "on terms of equality" with him: secondly, that he knew the object of my visit to Virginia was with *him*. Will it be believed, that any man with such sentiments, who was not conscious of having uttered the most base and malicious falsehoods, in which his cowardly soul dare not uphold him, would extend to me, *more* than the ordinary civilities of a public dinner table, that he would from

among many gentlemen select, and invite me among the first to drink wine with him? Such is the fact relative to this "knight-errant," alias A. P. Upshur, and myself; but it must be remembered, that at the time he wrote the letter to Mr. Campbell, he was in Richmond, and I was in Philadelphia, separated by a distance of near three hundred miles, which having approximated to within a personal interview, worked a prodigious revolution in his conduct and sentiments.

I proceeded to Richmond sometime in the month of October, for the purpose of making A. P. Upshur answer for his conduct, forthwith. On my arrival, various circumstances prevented my executing that determination immediately. Early in the month of November, (soon after my arrival) I proceeded to Norfolk and Portsmouth, (for the purpose of obtaining testimony to rebut the charge of colour,) accompanied by my friend Mr. Murphy, to whom I had communicated the contents of Mr. Campbell's letter relating to A. P. Upshur. I had been there but a few days when I was informed of the arrival of A. P. Upshur, and that he had taken lodgings in the same house with Mr. Murphy and myself. Here it was for the first time I had seen him since our meeting in Philadelphia, at which time he says, "I gave him my hand precisely in as friendly a manner as I should have done to a perfect stranger." (see his pamphlet, page 4.) On learning he was there, and previous to meeting him, the propriety of at once calling him to account was spoken of between Mr. Murphy and myself, but the object I had to effect (for which purpose I went to Norfolk,) being one which involved every branch of my family, and consequently of much greater importance than what existed (as far as I then knew) between Upshur and myself, it was thought advisable to decline noticing it at that moment, and not to suffer any thing in my conduct to evidence a hostile feeling towards him, until an opportunity had been given him either to recant or deny the statement made by Mr. Campbell. I met him precisely as I should any other individual whose person I knew perfectly well, but with whom I had no particular acquaintance, and whose conduct (from what I had heard) excited a feeling of indignation natural and beyond my own controul. From the fact of Mr. Murphy's knowing the relation in which A. P. Upshur and myself stood to each other, he noticed with attention his conduct towards me.

"During my visit to Norfolk, in the month of November last, with Doct. Hendree, after being there a few days Mr. Upshur became a lodger in the same house, and while there I

distinctly recollect having seen Mr. Upshur pass his wine and invite Doct. Hendree to a participation. This act of civility induced me to converse with Doctor Hendree, about the standing of Mr. Campbell, and to question the truth of the statement made in his letter of the 22nd September, 1821.

PETER MURPHY."

Richmond, August 2nd, 1822.

This instance of civility does not stand alone; while he remained in the house there was something in his manners and deportment towards me, both friendly and courteous: but I am now convinced he is the most arrant hypocrite I have ever known. I mention these things, thoroughly convinced that those who know me will not believe, I considered it an honor worthy of a moment's recollection, but with a view to shew how pliant the honour and conduct of this "knight-errant," is to his situation; for, had I known as well as I now do the character of the man, it is most probable my feelings would have got the better of my manners, and I should have rebuked him by throwing the contents of the glass in his face.

"You cannot call it love, for at your age,
"The hey-day in the blood is tame; it's humble."

This modern "knight-errant," *alias* A. P. Upshur, who only differs from the knight-errants of yore, by changing the lance for the goose quill, and "bucklers falsehood with a pedigree," and who instead of boldly roving in pursuit of honourable adventure, prowls through the country seeking whom he may destroy by calumnies, seems to have taken umbrage, at the accidental disclosure of the years which perplexes his genius. To him who has no *particular* age, when wooing "It was the unkindest cut of all;" and although, two score and more, have but slightly furrowed his cheeks, and with his "robust form, admirable health and strength, in reasonable measure," he got the "*bag to hold.*" I claim not the merit of anticipating that effect, by the disclosures made in the publication of my pamphlet; but had I known it's existence, the obligation

which "involves the same moral duty, which would have required of me, to give warning against the torch of an incendiary, or the dagger of an assassin," would have demanded that I should "undeceive and save her from ruin and misery." It is a pleasing sacred duty imposed on our nature, to vindicate and throw ourselves between innocence and danger; the fair are objects of no common interest: they blossom, unfold and diffuse their sweets to all around, and give to domestic life, a heavenly charm. Their gentle influence meliorates the condition of ruthless man, and sheds over all creation, a delicate and tender bloom. "If there be any, who could pause coldly to calculate consequences," whether or not to interpose between the "wiles" of a libertine and the happiness of lovely woman, "they are of much too tame a spirit to merit my respect." I regret having to connect in any scene, so unworthy an object with a lady; but she, who is not to be won by the chirpings of a pedant, or dazzled by the glittering tinsel of a "knight-errant," will suffer no feelings of offended delicacy to mingle in her sensations. Although, to me she is unknown, I feel bound to say, that one whose mind is so elevated, as to forbid the union of her destinies, with a disgraced individual, at the expence of feeling, gives immutable proofs, that she holds as sacred as the vestal flame, the honour of him, to whom she might be wedded, and "feels a stain like a wound." Such conduct is an example of no common magnanimity; the one, who can sustain under such circumstances, the dignity of her sex, as pure as the virgin dew-drops of the morn, must live with posterity, an example worthy of imitation.

"There are my lord three sorts of persons with whom I am re-
"solved never to dispute: A high-wayman with a pistol at my
"breast; a troop of Dragoons who come to plunder my house,
"and a *man of the law who can make a merit of accusing me.*
"In each of these cases, which are almost the same, the best me-
"thod is to keep out of the way, and next best is to deliver your
"money, surrender your house and confess nothing."

What would the Dean say at seeing me thus engaging two at once, and one a *Philadelphia Lawyer*, the other in addition a "knight-errant?" Would he not suppose me possessed of

an uncommon share of firmness? No, it is truth which will prevail against all the artifices of men, and put at defiance their malignant shafts.

In the 51st page of A. P. Upshur's pamphlet, the following certificate is inserted:

PHILADELPHIA, May 23rd, 1822.

We the undersigned, hereby certify, that in a number of copies of a pamphlet entitled "Refutation of calumnies propagated by Abel P. Upshur of Richmond, by John Hendree," the amount of the sale of John Hendree's library is stated at $1*,912 00 on page 18, 15th line from the top, the left hand figure 1*, being crowded in, and evidently bearing the appearance of an interpolation; and not agreeing with a copy of the same publication shewn to us to-day by Mr. Peyton Drew of Richmond, in which the amount on corresponding page and line is $912 00. The above copies were received through the Philadelphia Post Office, during the present month with the exception of one copy given by Dr. John Hendree personally to Z. B. Stout.

GEORGE CAMPBELL,
RIC'D POVALL,
Z. B. STOUT,
L. R. CABBEL,
JOHN BARNES.

That such an interpolation does actually exist in the copies of my pamphlet, which were circulated in Philadelphia, there is no doubt; but, to that city alone it is confined. Nothing of the kind appears in those forwarded to any other section of the country. It is strange, Geo. Campbell should have put his name to that certificate, for more reasons than that of *his knowing* I was in Philadelphia on the first day of that very month, and did not return to Virginia, until after the date of the certificate; consequently, I could not have forwarded them through the post-office that month; but from the fact that I shall prove, he was about the middle of April, in possession of the whole, (with one or two exceptions) of those copies which were circulated in Philadelphia, and they never were distributed until some days after my arrival there, which was on the 1st May, as the copies of my pamphlet were finished and received from the office, they were directed and circulated through Virginia. That being accomplished, I then prepared and had directed, such a number as I thought fit to send to Philadelphia, to which I added a few in blank: the whole constituted three tolerable size bundles of about 30 each.

"In the month of April last, (soon after the publication of Dr. Hendree's pamphlet,) I did by his request, direct a number of them, to persons in Philadelphia, and prepared them to be forwarded by mail, at which time *no interpolation* or alteration in the amount put down as the proceeds of his library existed. Those so directed were casually taken from among the number of copies received from the printer, (of which there are many still on hand.) A few days after I proceeded to Philadelphia with Doctr. Hendree, where we arrived on the 1st of May, on which day I understood, (for the first time,) that Doctr. Hendree's pamphlet had not been circulated in that city. About a week perhaps elapsed, when Doctr. Hendree received at his lodgings, the whole or a greater part of the copies, I had, when in Richmond, directed to individuals in Philadelphia. Doctr. Hendree then gave them circulation.

PETER MURPHY."

Richmond, August 2nd, 1822.

They went into no other hands, but Mr. Murphy's and my own, after coming from the office; and there are many on hand, in which there is no interpolation; the three bundles spoken of, were directed to "Mr. George Campbell, Philadelphia," accompanied with a note requesting him to have them distributed, agreeable to their direction, and to give those in blank, to such of his friends as had been made acquainted with the reports. In this state they were put in the post-office.

"RICHMOND, June 21st, 1822.

"I do recollect, that about the middle of April last, that Doctr. John Hendree did deposit in this office, three packages or bundles of his pamphlet, directed to Mr. George Campbell of Philadelphia, which were forwarded by mail in due form, on which Doctr. Hendree paid the postage.

A. SPENCE,
Asst. Post Master."

What makes the fact so fresh in the memory of Mr. Spence, on reaching the office, I found the envelope of one of the packages had bursted which made me require his aid to repair the accident, and at the same time gave him an opportunity of learning the contents, and ascertaining with precision

the number on which I had to pay the postage. *I* can speak with an almost positive certainty as to the date, for by the same mail I wrote to several gentlemen in Philadelphia informing them that my pamphlet was forwarded; which letters were dated on the 18th of April, and were received in due course; but the pamphlets did not reach them until some time after my arrival there in May. Thus I remained with a full belief that my pamphlet had been circulated in Philadelphia, until the day on which I reached there; when to my great surprise I was informed that such was not the case, and Mr. Campbell himself told me he had neither seen nor heard any thing of them, and expressed his wish to see one. By accident there were two in my trunk, but I was not aware of there being more than one for several days; that one was sent to Mr. Campbell for perusal, in a few hours after my arrival in Philadelphia, and I pledge myself he was the first *male* person in Philadelphia who had it, and when it went into his hands there was no interpolation, and the amount of the sale of the library was $912, and when he returned it, it was found to be altered to $1912.* This is the same which was read by those of my most intimate friends who called on me and expressed the wish, and to whom I was bound to give the most immediate satisfaction of the reports then in circulation, being false. Mr. Z. B. Stout speaks the truth; for the pamphlet thus spoken of is the same which I gave to him at my room, where he called a few days after my arrival. Immediately on being informed by Mr. Campbell, that they had not been received, I wrote to Richmond to know the cause. A day or two before I received an answer, the larger portion or perhaps the whole of those which had been forwarded to Mr. Campbell in Philadelphia, were brought to my lodgings,† but by whom I am ignorant. They had the appearance of being in the original state, except the general envelope, and I concluded they had met with some delay on the road, and Mr. Campbell but that moment having received them, sent them to me; and there being nothing to excite the least suspicion, I forthwith by a servant gave them circulation, and no one in Philadelphia with my knowledge ever received one through

* I am in possession of proof from Philadelphia, of that specific fact, which I may perhaps have occasion to use through the medium of some of my friends, in that city.

† It is a fact susceptible of the best proof, that they did not receive a general circulation, for some days after my reaching Philadelphia.

the Post Office from me, or mine, save George Campbell.* The first intimation† (which was on the *eve* of my *departure* from Philadelphia,) I had of the interpolation, was from a gentleman a friend of Mr. Murphy's, with whom he has since corresponded, and the cause of his making the communication, the following extract from his letter to Mr. Murphy will explain :

"I have a distinct recollection of calling on Doct. Hendree "at Mrs. Ewing's, and asking him how it was, that $ 1912 "appeared in the pamphlet he sent me, having previously "understood, that the pamphlet circulated in Richmond, "named $ 912, as the sum received; he expressed astonish- "ment at my information, and pledged his *honor* to me, that "he neither made the alteration, nor knew of it, until I "named it, and said, that $ 912 was the correct amount. I "also recollect, that he took a pamphlet out of his trunk, in "his room, and pointed out to me, that $ 912 was printed in "the pamphlet." The above is an extract from a letter in my possession, received from a gentleman in Philadelphia.

PETER MURPHY.

The pamphlet this gentleman speaks of my having shewn him, is the one found in my trunk several days after my arrival. If I had been privy to the interpolation, why tell this gentleman the fact of the amount of the sale? Why confine the interpolation to those circulated in Philadelphia? If I wished the amount to appear more than what it actually was, I could so have put it in the manuscript; there are none who could deny its truth. If I had been privy to the interpolation, I would not have suffered one pamphlet to have been read by any person there, which exhibited the amount as it was origin-

*I do not mean to be understood as doubting the truth of the assertion of Richard Povall, L. R. Cabbel or John Barnes, who say "they were received through the Philadelphia post office." I only contend, they did not receive them from me, or with my knowledge in that way; but the copies they speak of, were directed to them and enclosed in the general envelope to George Campbell.

†Previous to this information, and on the second or third day after they were circulated in Philadelphia, and sometime before the arrival of Upshur's friend, Drew, a particular acquaintance, I believe a friend of Mr. Campbell's, remarked to a lady, that he had understood the pamphlet circulated in Philadelphia, was not precisely the same as those circulated in Richmond, but in what particular they differed, he did not know.

ally published. It can, with equal propriety, be enquired what motive actuated Mr. Campbell thus to commit himself? The same motive which prompted him to write A. P. Upshur on the 24th September, that he treated me sternly, and he felt indignant at my baseness, because I denied the truth of A. P. Upshur's statement, and required of him his author; the same motive which has prompted him to write to A. P. Upshur in April, that he believed me to be the author of the endorsements on the proof sheets; the same motive which induced him to write Upshur, that I was not received in the light of a gentleman by any respectable families in Philadelphia; the same motive which induced him to become the jackall to the puppy-lion of the day, in circulating his pamphlet, and wishing, to suppress mine; the same, which made him so industrious in giving currency to A. P. Upshur's falsehoods to my injury. Whether I stood in the way of Mr. Campbell's prosperity or happiness, I know not; the former it cannot be, for he is a dealer in law, and I am in physic; he was not a member of any of the society with which I associated in Philadelphia. I never, to my knowledge, once met him in company;* consequently I could not have been in the way of his happiness; but, there is something so unaccountable in Mr. Stout's taking A. P. Upshur by the nose and leading him to the Philadelphia library, to tell Mr. Campbell tales in relation to me, (a man, who, before the month of September I never knew as Mr. Campbell, but only as the librarian, and not until the month of May last, when Mr. Loher, the notary, before whom he, Campbell, went to swear to the truth of the papers he had given me, inserted his name as "George Campbell, attorney at law," did I know he was a member of the bar;) that it does require some explanation from the parties, is evident: that Mr. Campbell is the avowed friend of A. P. Upshur, to my injury, there are many proofs before the public; nor has he stopped to enquire into the means he should employ to serve him, thinking all fair which might tend to redeem his character. He should have recollected, that there are certain reserves, which, even amidst the most keen and difficult struggle to restore or save the integrity of a falling friend, a man of honor disdains to out-step, at the very head of which stands truth, and a scrupulous regard for equal justice to all men, and can never be departed from without forfeiting all claims to the gentleman, and that man is neither fit

* On this subject Mr. Campbell assured me, when I was in Philadelphia last, that he had met me once or twice in society; it may be so, but I have no recollection of it.

for the society of honorable men, nor deserving of public confidence, whom the desire of redeeming an undeserving friend, will knowingly and wilfully depart from "truth and fair dealing," particularly to the injury of one who has never offended.

In the facts I have stated, I am supported by the authority of a public officer, and by personal friends. The world are now to decide, who made the interpolation.

"Insolence when there is no danger, is despair when there is."

I discovered nothing about Mr. Campbell in September, but a punctual compliance with my request, nor did I in May last, see other than a pliant obedience to my will.* I requested the letters he had received from Upshur; he delivered them. I was informed by Mr. Stout, that A. P. Upshur had spoken of Mr. Murphy, in one of his letters to Mr. Campbell. I required of Campbell, so much of the letter as related to Mr. Murphy or myself; he delivered it. I desired him to *swear* to the copies, being correct and true; he complied.† Nay, I led him as easily as a lamb to the slaughter. There was nothing in his conduct to inspire me with awe. At my entering the library on the first of May, the *rose* of his *youthful* cheek fled, and the drops from *his juvenile brow* trickled down in rapid succession, leaving aught but the evidences of fear and trembling; and Mr. Campbell, for having suffered himself to be made the dupe of A. P. Upshur, in committing the interpolation, can in justice be compared to nothing more than the web-footed fowl, from whose wing the

* By what magic power, Mr. Campbell has kept the braggadocio of a "knight-errant," alias A. P. Upshur, so completely in awe and fear of him, I do not know, nor can I conceive other than his conscious guilt makes him a coward, for I am not willing to believe there is another Virginian, nay, one who even claims America as his home, either by birth or adoption, who would suffer any man to be the cause of his being made a public example of (unless he merited such fate) without making him publicly avow the falsehood of his statement, or atone for it at the threshold of another world.

† That all trouble of fending and proving may be saved, I offer for the perusal of those who think proper to call, the original extracts from A. P. Upshur's letters to George Campbell, and also a true copy of his original letters which relate to me, *sworn to by Geo. Campbell, before J. Loher, Not. public, Dock street, Philadelphia.*

instrument was plucked, with which he painted his fancy on the 24th September, as to his treatment of my request.

I wish it to be distinctly understood, that no private correspondence on this subject, between Mr. Campbell and myself, can take place; and as there is but one enquiry, which he can desire to make, and which it is essential should be private, if he wishes to be informed on that subject, to prevent all *mistakes*, he must communicate under cover, to my friend Mr. Peter Murphy.

I have now done more, than any honourable man could have expected. I have even descended to introduce proofs against charges which rested on the assertions of A. P. Upshur alone; and in doing so, I have of necessity laid bare and exposed to public view, the most malignant individual, that ever disgraced any age or country. His own private letters are held up, convicting him of falsehood in his statement to the public; he has connived at getting under false pretences, *that* which a man of honour would disdain, and none but a guilty conscience, would have countenanced; he has leagued heart and hand with sacrilegious individuals, in polluting the fountain of justice, even to its source; he has made false representations of every fact, in support of which, he has seduced both youth and aged infirmity. He has attempted to put a stain upon the innocent and unoffending, and his hovel has become the den of apostates from truth and justice: he has denied the truth of charges privately, which he has refused to do publicly; he has suffered himself to be led by the nose, through the streets of Philadelphia to retail falsehood; nor has he scrupled at any act, however base or contemptible; nor has any pledge or confidence, been too sacred to violate for his purposes. He has been guilty of acts, at the bare imagination of which, humanity shudders, and he has but few, if any of the virtues of civilized life, and among the many of his vices,

falsehood and hypocrisy are very prominent. His conduct has left a stain on his character, which time cannot remove; nay, one of the darkest hue. All of which facts, those who are not already convinced of, must be happily elevated above the influence of proofs and argument. Such is the despicable character I have for my enemy, and it may therefore be boldly asserted, whenever there is any vulgar publication pointed at me, that it was written by A. P. Upshur or his satelites, or any despicable calumny circulated, that he is the author.*

If I have thus been obliged in self-defence, to present the disgusting spectacle of an abandoned miscreant, regardless of truth and humanity, and a monster of depravity in human shape, what would it be, were I to act on the offensive and "unfold a tale," of one whose unsuspecting innocence reposed confidence warranted by his situation, and by his "wiles" is reduced to "ruin and misery," and now the bleeding victim of his treachery; but let us draw a veil over crimes of such enormity; they are too much for recital: a life of penitence will scarce prove an atonement; they are what he must account for in that "world beyond the grave."

It is the fate of most human vultures, who feed on private character, sooner or later to be held up to public view; the miserable and deluded victims of their own hypocrisy and falsehood, being lost to all shame, consequently to all virtue: and the great truth will be illustrated, that guilt though it may obtain temporal splendour, can never confer real happiness, and the natural result of great crimes is to bring distress and ruin upon all connected with the perpetrators, and the evil consequences shall long survive their commission, and like the ghost of the murdered forever haunt the steps of the malefactor.

He (A. P. Upshur,) complains that his "character is but little known:" a want of notoriety shall no longer be a cause of complaint, but no honourable mention will be made of his name: no longer shall he hold an honourable rank among his cotemporaries: he will live but to be forgotten, and shall be

* A. P. Upshur having put his shoulder to the wheel, no question, the public will be favoured with a production from him, or his bosom friend, Peyton Drew: may espouse his cause; in either case, it will no doubt, be ably supported by "Mr. Drew's" *certificates*, or if desired by his friend, "A. P. Upshur, Esq." "Mr. Drew" will swear to any statement he shall make, the latter of which, I would advise him against; not only because it will then most assuredly not be believed, but it will be confirming falsehood with perjury.

handed down to posterity in that hideous form as damned to perpetual remembrance and execration among his fellows. He who has nerve enough to arraign him and prove to the world he is "thoroughly a bad man," has not "chosen his mark too high for his strength," and however powerful he may fancy his talents, he has deceived himself if he conceives them sufficiently so, to make me change the course I have determined to pursue.

It might perhaps be expected, that I would before concluding, call him some hard names: such would breathe too much the spirit I condemn. I have proved him to be a base minded, malignant, false hearted poltroon, which in humanity is more than I desired; and the public may be assured that A. P. Upshur, is the *least* of a *man* in truth or stamina, that ever dared presume to foist himself on any community, as one of any settled principles of honor whatever.

It is time to close a subject, which in this way is already too long. The next step will be to record his foul deeds in their darker and more proper colours, before a tribunal of his country, when he will have to answer for an act of a most heinous nature, where if he wants law, he shall have it: if he wants justice he shall have it, and I will go with him, from the courts of this commonwealth to every other court in the United States, thence to the high court of Heaven, for the justice of my cause.

JOHN HENDREE.

Richmond Va., October, 1822.

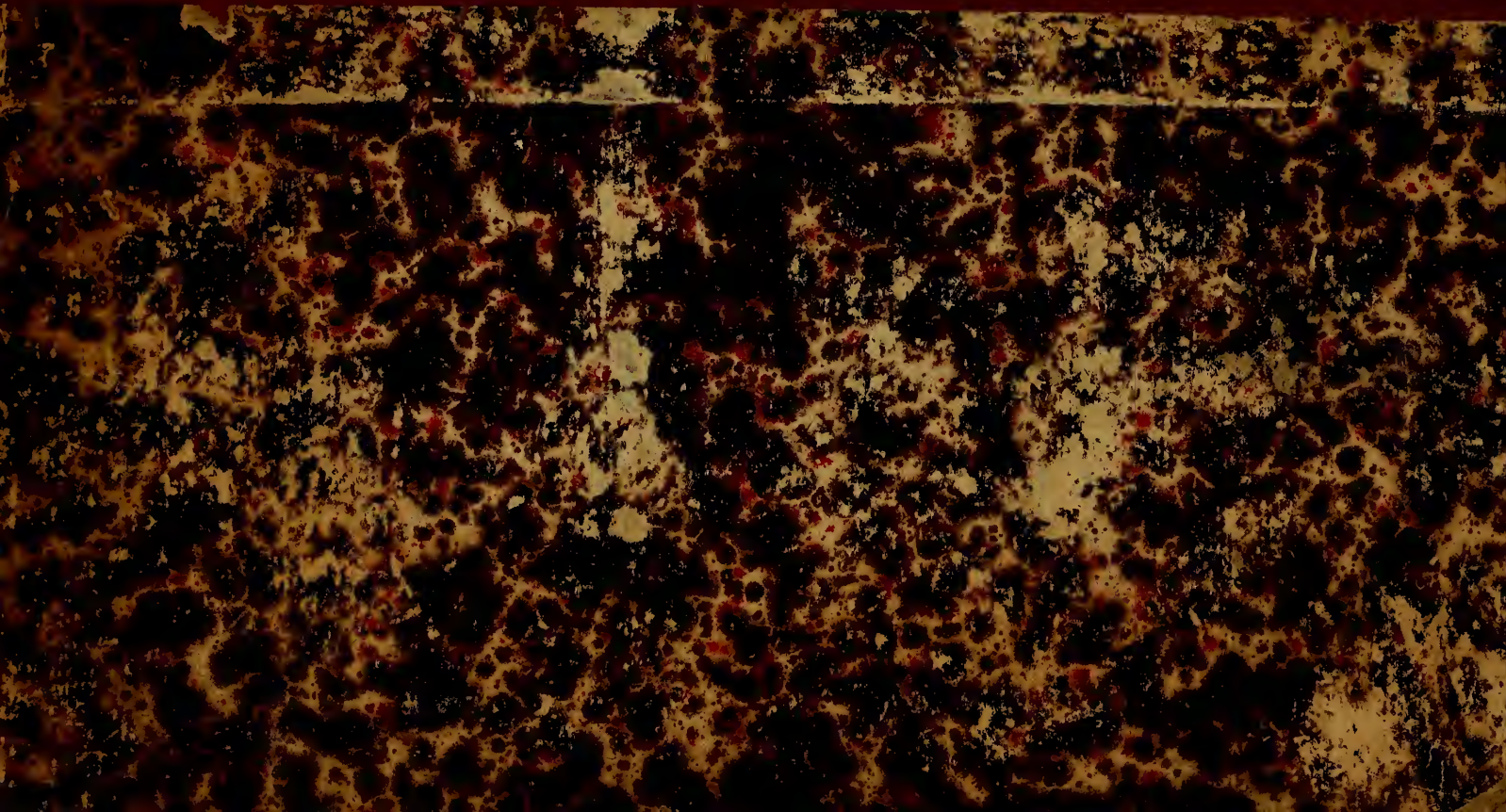
N. B. This pamphlet would have appeared in the month of August; but, having previous, (in July,) made application at the office for the purpose of putting the manuscript, when ready, in the hands of the printer, was in a few days after informed that A. P. Upshur, being apprised of my intention, left the city. I therefore thought proper to delay its publication until his return, that his absence might not be a plea for the necessity of a rejoinder from any other individual whom I have unfortunately been under the necessity of criminating.

If, in the course of this defence, I have charged any fact on an individual which I am not competent to sustain, or couched any part of it in language admitting of a construction different from its true intent and meaning, I am not only open to conviction, but shall feel proud in publicly avowing it; and if any expression has, in an unguarded moment, escaped me, which respect for the public ear should have forbid, I can

only offer as an apology, feelings perhaps too much alive to the calumnies of a disgraced individual, who is no longer worthy of the notice of a gentleman; and, if possible, has sunk too low even to hope for reformation, or to merit reproval by an honorable man.

JOHN HENDREE.

ERRATA.

Page	11,	line 1,	for "honest," read *honourable.*
	33,	7,	for "banks," read *bank.*
	39,	17,	for "honest," read *honourable.*
	45,	40,	for "ideot," read *idiot.*
	63,	36,	for "these," read *their.*
	64,	21,	for "on," read *no.*
	69,	29,	for "ideot," read *idiot.*
	"	41,	for "of," read *to.**
	76,	38,	for "of," read *in.*
	79,	40,	for "McRat," read *McRae.*
	111,	6,	for "pamphlets," read *pamphlet.*

* *Mark the sentence a quotation.*